



452292

Anita Boseman

03/26/2002 11:09 AM

To: Debbie Regel/R5/USEPA/US@EPA, "Christenson, Lee"
<Lee.Christenson@ttemi.com>

cc:

Subject: Fwd: Gary Development Corp. Landfill legal description....

FYI

----- Forwarded by Anita Boseman/R5/USEPA/US on 03/26/02 11:04 AM -----

**JOHN NORDINE**
<JNORDINE@dem.state.in.us>
ate.in.us>

03/26/02 08:50 AM

To: Anita Boseman/R5/USEPA/US@EPA

cc:

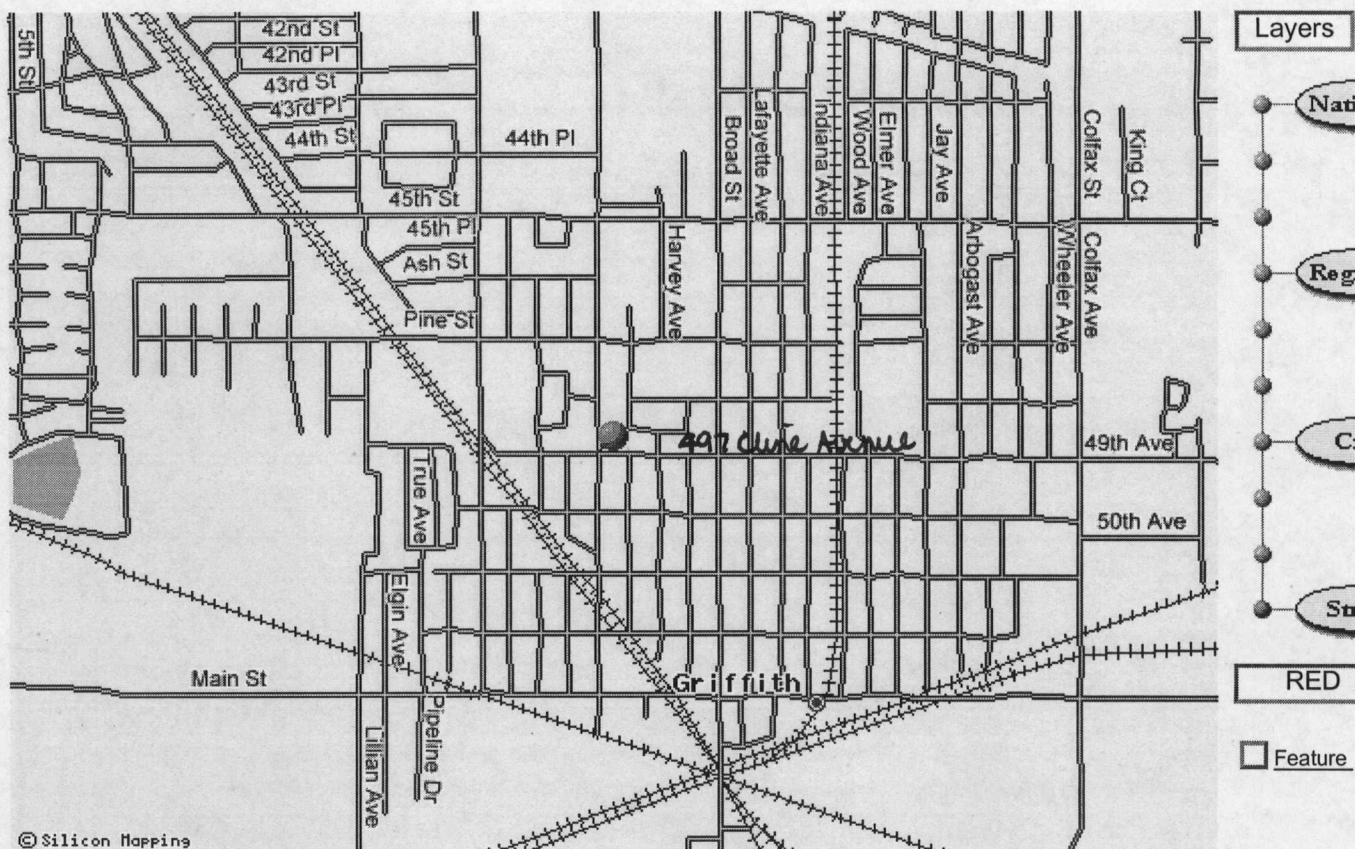
Subject: Fwd: Gary Development Corp. Landfill legal description....

----- Message from "JAMES SULLIVAN" <JSULLIVA@dem.state.in.us> on Tue, 26 Mar 2002 10:31:33 -0500 -----

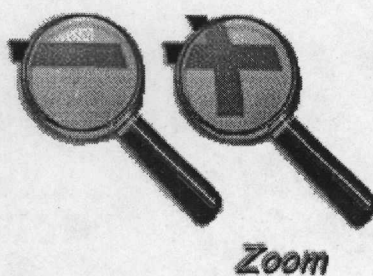
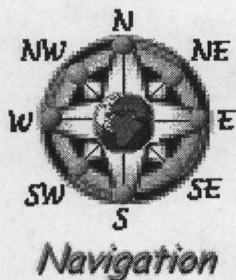
To: "JOHN NORDINE" <JNORDINE@dem.state.in.us>**cc: "ADRIANE BLAESING" <ABLAESIN@dem.state.in.us>, "TOM DAUGHERTY" <TDAUGHER@dem.state.in.us>****Subject Gary Development Corp. Landfill legal description....**

John, Tom D. sent me a message that you were in need of a legal description of the GDC Landfill property... in hopes that it includes that lagoon on the north end of the site.... Here's the legal description from a permit renewal (dated February 16, 1982) in our files: "The sanitary landfill project, located in that part of the W ½ of the SW 1/4 of Section 35 lying north of the Grand Calumet River, T37N, R9W, containing approximately 61.9 acres, was issued a construction plan permit on June 21, 1973....." I know that lagoon is apart of the landfill, as it was initially a barrow pit for cover material...then the rains came, the owners flew south, and the heavy machinery got stuck in the middle of the lake...etc... Another contact for this site at EPA would be Mike Mikulka, his e-mail address is mikulka.michael@epa.gov He might have some more information on this site that we have.... Good Luck on this and don't hesitate to call...

Jim Sullivan
(317) 233-2415



(Map Center at Lat: 41.53065 Lon: -87.43196 Scale 1:20033)



Select Option,
then Click on Image

- ☐ Zoom in/Recenter, factor:
- ☐ Zoom out/Recenter, factor:
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- ☐ Place Symbol
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*This is not the same location shown on
site assessment map.*

Search for a Specific Location

*S/B 479 -
IDEM info.*

Location Name:

Street Address:

City/Place:

State:

Zip Code:

Search

Reset



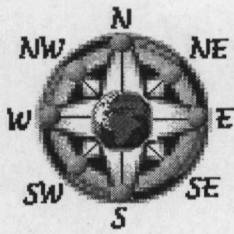
Layers

- ☐ National
- ☐ Regional
- ☐ County
- ☐ State

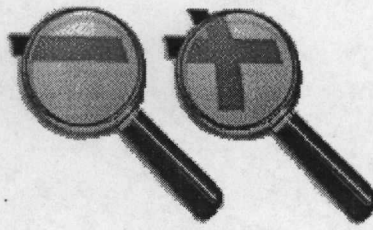
RED

☐ Feature

(Map Center at Lat: 41.59333 Lon: -87.34639 Scale 1:20033)



Navigation



Zoom

Select Option,
then Click on Image

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479 N. Cline

Search for a Specific Location

Location Name:

Street Address:

City/Place:

State:

Zip Code:

Search

Reset

Date: Oct 2 1996

To: R. Lamprecht (RLAMP), B. Burns (BBURN), D. Kizer (DBK), B. Blaesing (RJB)

From: L. Foutty (LSS)

I spoke to Bob L. re: the drums at Gary Development. Bob has the pictures from the airplane back. He showed them to Kirk and will provide them to Bob B. Bob L. went back to Gary Development to see if he could locate the drums from the ground. They are located in the retention pond. Bob L. went back after heavy rains and thinks the drum is now submerged. He could not see it when he was on the ground. He knows there is at least 1 drum. Apparently there is only one retention pond on site, and this is where the picture will show the drum. Therefore, Bruce and Bob B. do you want to take this issue from here?

Date: Oct 3 1996

To: D. Kizer (DBK), L. Foutty (LSS), K. Maravolo (KBM), R. Lamprecht (RLAMP), B. Burns (BBURN), K. Nelson (KNELS)

From: B. Blaesing (RJB)

** Orig: 10/02/96 4:52 pm **

** LSS: L. Foutty **

I spoke to Bob L. re: the drums at Gary Development. Bob has the pictures from the airplane back. He showed them to Kirk and will provide them to Bob B. Bob L. went back to Gary Development to see if he could locate the drums from the ground. They are located in the retention pond. Bob L. went back after heavy rains and thinks the drum is now submerged. He could not see it when he was on the ground. He knows there is at least 1 drum. Apparently there is only one retention pond on site, and this is where the picture will show the drum. Therefore, Bruce and Bob B. do you want to take this issue from here?

** Annot: 10/03/96 7:39 am **

** DBK: D. Kizer **

Bob, I assume you have seen the photos?? Are dealing with just one drum?? Initial report seemed to indicate several "drums". If Bob L. couldn't see it from the ground I'm not sure the value in you going out there until it's more likely we'll be able to find something. How big is this pond? Can the owners go drum fishing?

** Annot: 10/03/96 10:12 am **

** RJB: B. Blaesing **
Bruce,

I looked at the photo. There may be possibly 3 drums on shore and 1 drum in the water. These drums appear to be located on the north side of the property. Bob, Bill, and the DNR guy walked the North side while Mike Mikulka, the water guys and myself did the walk along the Grand Cal Side. Myself or Kirk will be happy to send a waste determination letter to the owner(agent) of the site if Solid Waste inspectors are unable to require a waste determination. At this point the drum contents are unknown, or the fact if anything is inside them. All I'm going on is two aerial photographs.

Advise me what you want done.

Date: Oct 3 1996

To: B. Blaesing (RJB), S. Ormsby (SAO), R. Lamprecht (RLAMP)

From: K. Maravolo (KBM)

** Orig: 10/02/96 12:28 pm **

** LSS: L. Foutty **

Hi Bruce, left you a message to call me re: Gary Develop...
you saw in terms of the drums?

** Forwd: 10/03/96 7:32 am **

** DBK: D. Kizer **

** Reply: 10/03/96 9:33 am **

** KBM: K. Maravolo **

Why is it every time a drum is located by the SW inspectors
it becomes a HW issue.. There is nothing we can do re a drum
floating in the water that is leaking.. Since Bob Blaesing who
was at the site wasnt asked to attend a flyover of the site he
is not aware of any drums in the water.. Any drums that are on
the site are the responsibility of the owner now to make a
proper waste determination. We cant open for sampling or drag
any drums out of the water...

** Forwd: 10/03/96 9:37 am **

** KBM: K. Maravolo **



Anita Boseman

07/11/2002 09:28 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Re: GDLF

Good morning,

The state OSC is John Nordine. He can be reached at 219-881-5758. Also, I have the final site assessment. I will forward copies to both of you today.
Randa Bishlawi

Randa Bishlawi

07/11/02 09:10 AM

To: Debbie Regel/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
cc:
Subject: GDLF

We're proceeding with our document review. I've been having our law clerk, David Marquez, review the boxes of RCRA documents and prepare memos re two operators of the facility. It's clear that IDEM must have mountains of documents relevant to this Site. They put together a 20 year history of the site with many references to documents. I'd like him to review some of those documents this summer since he has lots of free time. Debbie, could you arrange with IDEM to have him review the GDLF files that they have? Thanks.

Date: Oct 21 1996

To: B. Palin (BHP), L. Foutty (LSS), D. Kizer (DBK), M. Elliott (MAE), L. Melvin (LCM), R. Lamprecht (RLAMP), B. Blaesing (RJB), M. Klein (MTKLE)

From: M. Klein (MTKLE)

GDC Landfill

I spoke with Steve Cherry at 3:05pm this afternoon. He wanted an update on the GDC Landfill inspection of September 26, 1996. I informed him that I had not received any final reports yet from any of the programs. I told him that I was unsure if my HW inspector would be completing a report, but Mr. Hagen would receive one if a HW inspection report was completed. He did discuss with me the aerial photos and the identified drums. He stated that Mr. Hagen believed that the drums were probably empty and had formerly been used to hold fuel for the landfill equipment.

He wanted to know where we stood on resolving the matters at hand. I told him that I would like to see EPA's Order implemented and not a continuous process of appeals. I did note that he should contact the EPA attorney, Marc Radell, to get his insight as the case is EPA's and not IDEM's. Furthermore, I did not wish to address the other IDEM-controlled issues such as water, solid waste, and air. No mention was made regarding any DNR issues. Mr. Cherry did mention that he would like to meet in the near future, most likely with both IDEM and EPA, to discuss a resolution of the HW case. He indicated that he would like to see GDC stabilize the landfill cap, install methane recovery wells, and install ground water monitoring wells. Lastly, he did raise the issue of trying to generate some revenue, if possible, for closure costs through the acceptance of some other wastes (C/D or shredded tires) to fill in the remainder of the landfill.

I would like to suggest that the programs involved in this matter meet in the near future to discuss how we wish to deal with both GDC and EPA in mitigating the environmental problems at this site. Any comments?

Matt

Date: Oct 2 1996

To: D. Kizer (DBK), R. Lamprecht (RLAMP)

From: L. Foutty (LSS)

Hi Bruce, left you a message to call me re: Gary Development and the barrels. I don't have much info beyond Bob seeing and photographing drums from airplane. The drums were reportedly floating and there was an oily sheen in the water around them. Bob is to be sending me a report on this. Bob, in the meantime, could you fill Bruce Kizer in on what you saw in terms of the drums? Thanks.

Debbie Regel

04/03/2002 02:23 PM

To: Anita Boseman/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Landfill

Ok - well, I figured the contractor would be able to figure it out from that legal you got from IDEM. I'm glad all is well. So far. Now, if we could just get an attorney. . .

Anita Boseman

Anita Boseman

04/03/2002 02:03 PM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Landfill

Hey,

You are right about the address! It is 479. I will not the address in the next POLREP.

Sorry,...

Debbie Regel

Debbie Regel

04/03/02 10:54 AM

To: Anita Boseman/R5/USEPA/US@EPA

cc: Jan Pels/R5/USEPA/US@EPA

Subject: Re: Gary Development Landfill

Maybe the address is CERCLIS is wrong, then. Let me know, because the title search contractor is working with the 479 address, and I'll need to let them know if that is correct or not.

I don't know how it works when we do a removal on an old site. I realize your OPA and time-critical removal actions are not a part of the old landfill. Heck - I don't know how this works!!! I would think it would just be opening a removal action under that Site. Maybe the landfill is 479 and your removal is 497??? I'm confused. What else is new?

Anita Boseman

Anita Boseman

04/03/2002 10:41 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Landfill

Hey,

We took the address from the building. Also, the emergency response of the site was for OPA. Drums were dumped at the site that contained oil, not a part of the landfill. Also, the CERCLA drums and containers, time critical removal, were not part of the original landfill activities. So, I have separate EPA IDs.

I will be at the site tomorrow and I will check for the address on the office building. Remember, these are drums and containers that were dumped at the site as told by the IDEM. Not a release from the landfill.

Am I missing something? Let me know.

Debbie Regel

04/03/2002 09:11 AM

To: Anita Boseman/R5/USEPA/US@EPA

cc:

Subject: Re: Attorney Request

I'm waiting to hear from Deborah now. I'm hoping we can schedule a team meeting soon about how to progress. I have also ordered the title search, and we will be verbally contacted as to the current property owner in the next couple of weeks.


----- Forwarded by Debbie Regel/R5/USEPA/US on 04/03/2002 09:10 AM -----

Darlene Weatherspoon

04/02/2002 02:00 PM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Attorney Request 

DEBORAH GARBER



Anita Boseman

04/03/2002 01:05 PM

To: Debbie Regel/R5/USEPA/US@EPA
CC:
Subject: Re: Gary Development Landfill

Hey,

Can you tell the search contractor to use both addresses? Also, for cost recovery purposes, and from past experiences it is best to identify activities separately. Anyway, the OPA had to be separate. Let's just use the new account numbers and EPA ID# for now. ok...

Debbie Regel



Debbie Regel

04/03/02 10:54 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Jan Pels/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill

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Anita Boseman



Anita Boseman

04/03/2002 10:41 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Re: Gary Development Landfill

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Am I missing something? Let me know.

Debbie Regel



Debbie Regel

04/03/02 09:41 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Jan Pels/R5/USEPA/US@EPA
Subject: Gary Development Landfill

You may or may not know this:

The Gary Development Landfill removal Site was NFRAP'ed and archived off CERCLIS on 9/28/94. It had already been named "Gary Dev Co Inc". The EPA ID# is IND077005916.

I don't think the name can be changed once it's been established. I don't know what the spill ID is - I notice your POLREP says Z5D8. I also noticed your POLREP having an address of 497 North Cline Avenue. The correct address is 479 North Cline Avenue.

Debbie Regel

03/29/2002 12:31 PM

To: WILLIAM MESSENGER/R5/USEPA/US@EPA

cc:

Subject: Re: Attorney Request

I'm truly not trying to be a smart-alec, but were you aware that emergencies often are performed without an attorney? Aren't all sites supposed to have an attorney first?

This was in response to my concern voiced over not having an attorney assigned to the Gary Development Landfill Site since the initial response back in the beginning of January.

----- Forwarded by Debbie Regel/R5/USEPA/US on 03/29/2002 12:29 PM -----

Linda Nachowicz

03/21/2002 09:58 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Attorney Request 

I can't speak to the access issue, but this site came in as an ER, and we often do those without an attorney

Debbie Regel

03/19/2002 03:05 PM

To: Linda Nachowicz/R5/USEPA/US, WILLIAM
MESSENGER/R5/USEPA/US
cc: Beth Henning/R5/USEPA/US@EPA
Subject: Attorney Request

Just wanted to express some concerns I have about the enforcement process relative to my latest site; the Gary Development Landfill in Gary, IN. I was assigned on Friday 3/15 and spoke with the OSC for background information. I received copies of 2 POLREPS and copied some other documents. The OSC had forwarded the first POLREP to Jeff Cox in ORC, as this site was first an emergency release under OPA. The second POLREP was forwarded on Friday, and Jeff e-mailed the OSC to state that he is not assigned to this Site, and in fact has not been doing enforcement work for the past 3 years. In the meantime, from reading the POLREPS, the contractor was mobilized to the Site to overpack previously sampled drums on 2/12. I think that all that is left is disposal.

Without dissing the OSC, I am concerned that it sounds like EPA might not have had an access agreement to do the SA/overpacking (unless we were out there under IDEM's access?). Also, it sounds like the OSC might have been doing work on-site without having an attorney assigned. In addition, it sounds like most of the work has already been done before any CERCLA enforcement even started.

As this Site is still new to me, there may be circumstances involved here that I am not aware of yet. However, I wonder if the OSCs, especially the newer ones, are being properly trained in the enforcement process. Perhaps when a new OSC is hired, their first site could be jointly assigned with a more senior Enforcement Specialist for one-on-one mentoring - more as a team to teach them enforcement? Just a thought.

----- Forwarded by Debbie Regel/R5/USEPA/US on 03/19/2002 02:31 PM -----

Debbie Regel

03/19/2002 12:45 PM

To: Cheryl Klebenow/R5/USEPA/US@EPA
cc:
Subject: Attorney Request

Please see the attached.
Thanks!



GDL Attorney Request Form.wpd



Anita Boseman

03/15/2002 04:32 PM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Fwd: Gary Developement, Inc.

----- Forwarded by Anita Boseman/R5/USEPA/US on 03/15/02 04:31 PM -----



JOHN NORDINE
<JNORDINE@dem.st
ate.in.us>

03/11/02 01:52 PM

To: Anita Boseman/R5/USEPA/US@EPA
cc: ADRIANE BLAESING <ABLAESIN@dem.state.in.us>, DOREL HUNT
<DHUNT@dem.state.in.us>, MAX MICHAEL
<MMICHAEL@dem.state.in.us>, RALPH MCCULLERS
<RMCCULLE@dem.state.in.us>
Subject: Fwd: Gary Developement, Inc.

Sorry I sent the zip file insteated of the power point file.

----- Message from "JOHN NORDINE" <JNORDINE@dem.state.in.us> on Mon, 11 Mar 2002 14:45:12 -0500

cc: "ADRIANE BLAESING" <ABLAESIN@dem.state.in.us>, "DOREL HUNT"
<DHUNT@dem.state.in.us>, "MAX MICHAEL" <MMICHAEL@dem.state.in.us>, "RALPH
MCCULLERS" <RMCCULLE@dem.state.in.us>

Subject Gary Developement, Inc.

:
March 11, 2002, at the Gary Developement, Inc., site in Gary, IN, I shot some
photos of what appear to be drums in the lagoon on the north side of the
property. See attachment. Is the US EPA interested in conducting a further
removal of drums from the lagoon? I can be contacted at my office
at 219-881-5758 or by cellphone at 21-730-4035.

Sincerely,

John Nordine



Gary Developement, Inc Gary Developement, Inc


03/19/2002 03:24:36 PM Re: Gary Development Landfill site in Gary, IN

Debbie Regel

03/15/2002 03:52 PM

To: Anita Boseman/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Landfill site in Gary, IN 

Hm. I guess this means I'll have to request a new attorney. We have not have an attorney at all while you were out there?

Anita Boseman

Anita Boseman

03/15/2002 03:30 PM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Linda Nachowicz/R5/USEPA/US@EPA, WILLIAM MESSENGER/R5/USEPA/US@EPA

Subject: Re: Gary Development Landfill site in Gary, IN

FYI.


----- Forwarded by Anita Boseman/R5/USEPA/US on 03/15/02 03:28 PM -----

Jeffrey Cox

03/15/02 03:23 PM

To: Anita Boseman/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Landfill site in Gary, IN 


Anita,

Pol-Reps should no longer go to me. I have not done enforcement work in 3+ years. --jmcox

03/15/2002 02:48:25 PM» Re: Gary Development Landfill Site in Gary, IN

WILLIAM MESSENGER

03/15/2002 02:29 PM

To: ANITA BOSEMAN/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
cc: Linda Nachowicz/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill Site in Gary, IN 

By this message, Debbie Regel is assigned as the Enforcement Specialist.

Thanks.

Anita Boseman

Anita Boseman

03/15/02 01:53 PM

To: WILLIAM MESSENGER/R5/USEPA/US@EPA
cc: Linda Nachowicz/R5/USEPA/US@EPA
Subject: Gary Development Landfill Site in Gary, IN

Good afternoon,

The purpose of this message is to request the assignment of an enforcement specialist and ORC assistance for the site referenced above. This is an OPA emergency response and a CERCLA site. The OPA cleanup is completed, see attached POLREPs. The site assessment will be completed next week. The Site ID number is B52L. The CERCLIS ID number is IND 077 005 916. This is a time critical removal.

The site was referred to us by IDEM.

If you have any questions, please let me know via e-mail. As you know, I will be attending training in Angola, IN next week.

Thanks.



GaryLandfillPolrep1. GaryLandfillPolrep2.

Date: Sep 25 1996

To: L. Foutty (LSS), B. Palin (BHP), D. Kizer (DBK), R.
Lamprecht (RLAMP), B. Burns (BBURN), B. Blaesing (RJB), M.
Balazs (MBALA), M. Klein (MTKLE)

From: M. Klein (MTKLE)

Gary Development Inspection!!

I spoke with Steve Cherry (317-684-5105) at 3:45pm this
afternoon regarding entry to the site tomorrow morning. He
stated that Mr. Larry Hagen, Jr. will be present at 10:00am to
provide us entry to the site.

Matt

Date: Sep 25 1996

To: L. Foutty (LSS), B. Burns (BBURN), R. Lamprecht (RLAMP)

From: B. Palin (BHP)

** Orig: 09/25/96 8:22 am **

** BBURN: B. Burns **

Update on the scheduled MultiMedia Inspection for Thursday, 9-26-96. OSW Inspectors have been informed that the Office of Water Management will not be pulling any water samples. Also, Robert Blaesing of the Office of Hazardous Waste will not be in attendance at this inspection. This morning, Inspectors were informed that a Search Warrant will not be necessary to enter the property at Gary Development we already have the authority according to Indianapolis staff.

** Annot: 09/25/96 12:26 pm **

** BHP: B. Palin **

Clarification on the search warrant. Just because we have the authority doesn't mean they won't deny access. I just don't expect that they will deny access which is why I don't believe a search warrant is needed. If for some reason they say we can't go on the site then we will need to get one.

Date: Sep 25 1996

To: L. Foutty (LSS), R. Lamprecht (RLAMP), M. Klein (MTKLE)

From: M. Klein (MTKLE)

Gary Development Inspection

I attempted to call GDC's primary attorney, Warren Krebs, but learned he would be out of the office for the remainder of the week. I then called Steve Cherry of Bose McKinney, GDC's secondary attorney, and told him that IDEM would need proper access to the site tomorrow morning. He stated that he would contact the property manager to provide access. He is going to call me to confirm this by 4:00pm. Else, he will leave voice mail with Bob Lamprecht.

FYI...

Matt

Date: Nov 8 1996

To: B. Palin (BHP), L. Foutty (LSS), L. Melvin (LCM), T. Chang (TPC), M. Stanifer (MWS), D. Kizer (DBK), P. O'Rourke (PJO), M. Elliott (MAE), R. Lamprecht (RLAMP), B. Blaesing (RJB), M. Klein (MTKLE)

From: P. Carroll (PJC)

Re: Gary Development LP EPA wants to coordinate activities with us on the site (they have a RCRA case). I know we have a history with these folks and some staff have been to the site recently. I need to get feel for what are the concerns each individual program has relating to the site. The hope is that we can do some coordinated effort with EPA to get the most significant problems at the site addressed. I have scheduled a meeting for next friday, 11/15, to discuss the site. I have reserved OLC 2 at 10:00. Please let me know if you can attend or if you can send someone.

Deborah Garber

04/16/2002 11:36
AM

To: Cheryl Klebenow/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA, Carl
Stimson/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA

Subject: Gary Development (assign. 1638)

Randa Bishlawi is assigned to this matter. The completed assignment form is attached.



asii01638.wp

ORC ATTORNEY ASSIGNMENT FORM
(Revised February 16, 2000)

RESERVED FOR DATA ANALYST'S USE

DOCKET NUMBER.

CASE/MATTER NAME: Gary Development Landfill Site

PROGRAM ASSIGNEE: Anita Boseman, OSC
Debbie Regel, Enforcement

Phone: 6-6941
Phone: 3-7632

FACILITY NAME: Gary Development Landfill

ADDRESS OR LEGAL DESCRIPTION: 497 North Cline Avenue *SIB 479 N. Cline*

CITY: Gary STATE: Indiana ZIP CODE: 46406 COUNTY: Lake

PRIMARY 4-DIGIT NAICS/SIC CODE: SECTOR:

OTHER 4-DIGIT NAICS/SIC CODE(s): SECTOR:

PROPOSED RESPONDENTS/PRPs: Unknown at this time.

ADMINISTRATIVE ENFORCEMENT ☒ JUDICIAL ENFORCEMENT ☐

BID PROTEST ☐ PROTEST NO.

GRANT ASSISTANCE DISPUTE ☐ AGREEMENT NO. AUDIT NO.

PERMIT ☐ DEFENSIVE CASE ☐ APPEALED TO EAB ☐

OTHER COUNSEL MATTER ☐

LAW/SECT. (STATUTE and SECTION which authorize action, e.g. CAA/113(d), CERCLA/106): CERCLA 106

LAW/SECT. (STATUTE and SECTION violated, or that provides requirement to be enforced, e.g. CAA/112):

POLLUTANTS: paints, acids, insecticides, freon, capacitors (PCBs?), solvents

Is the matter in geographic initiative area? Yes Which one? Northwest Indiana

Is the matter multi-media? Unknown

Is this case a Self Disclosure? Yes/No If yes, what is the disclosure date:

If this is a Self Disclosure, was the Audit Policy used? Yes / No ** Was the Small Business Policy applied? Yes / No

COMMENTS/SUMMARY:

Site began as emergency response under OPA (incident report no. 590489). OPA cleanup completed.
OSC has performed CERCLA site assessment at request of IDEM - status of access agreement uncertain. Contractor was mobilized on 2/12/02; drums overpacked and awaiting disposal.

PROGRAM PERSON TO WHOM FORM RETURNED WHEN COMPLETED: Debbie Regel/Cubicle #05056/3-7632

MATRIX: CERCLA ORC ATTORNEY ASSIGNMENT
(Completed by ORC Section Chief)

DATE RECEIVED: 3/19/02

BRANCH: MM Branch II

SECTION: 1/Garber

ATTORNEY NAME: Randa Bishlawi

PHONE: 6-0510

DATE ASSIGNED: 4/15/02

PLEASE FORWARD COMPLETED FORM VIA LAN TO CHERYL KLEBENOW (886-6771)- C-14J

03/19/2002 03:24:25 PM» Attorney Request

Debbie Regel

To: Cheryl Klebenow/R5/USEPA/US

cc:

Subject: Attorney Request


03/19/2002 12:45 PM

Please see the attached.

Thanks!



GDL Attorney Request Form.wpd



Debbie Regel

05/13/2002 08:55
AM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Re: GDLF


How does your schedule look? I'd be available by phone all day tomorrow (on flexi), and I'm here all day Wednesday, and also on Thursday morning. Any time is good for me.

----- Forwarded by Debbie Regel/R5/USEPA/US on 05/13/2002 08:53 AM -----



Anita Boseman

05/13/2002 08:51 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: Re: GDLF 

Good morning,

I will be out of the office today, Thursday afternoon and all day Friday. So, how about Tues., Wed., or Thurs. (morning only)?

Let me know.
Debbie Regel



Debbie Regel

05/09/02 04:07 PM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: GDLF

Would you be available to talk on Monday with Randa and myself? Randa has been reviewing the old RCRA files, and you will have completed the site assessment. Might be a good time for us to re-review the status.

Randa and I are both free all day Monday, I think. Pick a time?



Jan Pels

04/22/2002 01:13
PM

To: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Dev Co Inc, 479 N. Cline Ave

FYI....

----- Forwarded by Jan Pels/R5/USEPA/US on 04/22/02 01:12 PM -----




JOHN MARITOTE

04/22/02 01:07 PM

To: Jan Pels/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Dev Co Inc, 479 N. Cline Ave 

NO the SSID that should be put in is B52L, Z5D8 is for the OPA side of the site. B52L is the CERCLIS side of the site.

Jan Pels



Jan Pels

04/22/2002 11:20 AM

To: JOHN MARITOTE

Subject: Gary Dev Co Inc, 479 N. Cline Ave

----- Forwarded by Jan Pels/R5/USEPA/US on 04/22/02 11:20 AM -----

Jan Pels

04/22/02 11:20 AM

To:

Anita Boseman/R5/USEPA/US@EPA

cc:

Debbie Regel/R5/USEPA/US@EPA

Subject:

Gary Dev Co Inc, 479 N. Cline Ave

Anita:

This site is already in CERCLIS under ID IND 077 005 916. It does NOT have a SSID yet, so we could add the Z5D8. If this is OK with Sheila, I'll have this added to the existing site in CERCLIS. I'll also un-Archive the site.

Thanks!

Jan

Attachments:



Debbie Regel

04/16/2002 11:42
AM

To: Randa Bishlawi/R5/USEPA/US, Jan Pels/R5/USEPA/US, Anita
Boseman/R5/USEPA/US

cc:
Subject: Gary Development (assign. 1638)

We now have a complete team! Randa, my apology for not calling to talk in person at this point, but I thought it would be easier to contact everyone by LAN.

Can you guys let me know your availability this week and next? I would like to schedule a "kickoff" meeting to discuss this Site.

Thanks.

----- Forwarded by Debbie Regel/R5/USEPA/US on 04/16/2002 11:39 AM -----

Deborah Garber

04/16/2002 11:36
AM

To: Cheryl Klebenow/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA, Carl
Stimson/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA

Subject: Gary Development (assign. 1638)

Randa Bishlawi is assigned to this matter. The completed assignment form is attached.



asii01638.wp

Deborah Garber

04/16/2002 11:40
AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

Randa, I'm forwarding this message on to you regarding the Gary Development Landfill site which I just assigned to you.

----- Forwarded by Deborah Garber/R5/USEPA/US on 04/16/02 11:38 AM -----

Debbie Regel

04/11/02 01:52 PM

To: Deborah Garber/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
cc:
Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

Regarding the Gary Development Landfill Site. Deborah, could you please let me know who you have assigned? Nobody has contacted me yet. Would you be willing to forward this message to whichever attorney is assigned? Or if you let me know who the attorney is, I can forward the message.

Since it looks like the property could be purchased in a tax sale soon, I would like to have a team meeting as soon as possible. I think a more experienced attorney would be appropriate here, as removal money has already been spent and it sounds like we now need a lien. Also, the OSC is holding off on disposal for the time being while we are waiting for an attorney.

Thanks.

----- Forwarded by Debbie Regel/R5/USEPA/US on 04/11/2002 01:43 PM -----

"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

04/11/2002 08:50
AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

Hi, Debbie. As a follow up to our telephone conversation yesterday, this is a summary of our preliminary findings relating to ownership of the Gary Development Landfill parcel for which you requested title information.

Gary Development Corporation is the current owner of record with the Lake County Indiana Tax Assessor. GDC is currently in default on their taxes. Sometime in 2001, the Lake County Board of Commissioners ordered that the property be sold in a tax sale. The property was offered for sale in September 2001 and again in March 2002, but was not sold. It is currently up for sale again. The company that oversees the county tax sales is SRI Co. (219) 662-0079. When SAIC attempted to call SRI, there was no answer. We will try again today to see if they can provide further information on the status of this property.

This is only the initial information collected by SAIC. A full report will be provided when we receive the title documents. If you have any questions or comments, please feel free to contact me.

Thanks.

Sara C. Habert
Senior Paralegal/Research Assistant
Phone: (312) 762-2969
Fax: (312) 236-3947
www.saic.com

SRI, Inc.
1924 N. Main St.
Crown Point, IN 46307
219-662-0079



Anita Boseman

05/31/2002 01:12 PM

To: Randa Bishlawi/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA

cc: Linda Nachowicz/R5/USEPA/US@EPA, Deidra
Gray/R5/USEPA/US@EPA

Subject: Re: Gary Development Landfill Meeting/Call - June 3 - 2:00 pm

While in Cleveland, OH, I can be reached at 440-250-1717. Please contact me here for the conference call on Monday.

Thanks.

2:00 Doug's office

Randa
Me
call Rick
call Anita

David
Tom Marks

* Lagoon sample results?


- Lagoon was former borrow pit.
- NO PCBs, volatiles;
BUT low levels of heavy metals
- Not actionable.
- Leachate into river not sampled.

* Doug says IDEM needs to review site.
Tom marks to contact IDEM regarding re-assessment.
PRP search would be in marks' program.
Nanini should be interviewed.



Anita Boseman

05/22/2002 02:54 PM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill 


I will be in the office June 10th and maybe the 11th. I will be conducting field activities the remainder of the week.

Debbie Regel



Debbie Regel

05/22/02 09:44 AM

To: Randa Bishlawi/R5/USEPA/US@EPA, Anita Boseman/R5/USEPA/US@EPA
cc:
Subject: RE: Gary Development Landfill 


I'm on flexi today. Anita - I since I don't know your schedule, if you are in the office, would you mind checking with Cynthia? Otherwise, if you let me know your schedule, I'll be back in tomorrow and could set up a meeting then.

I'm available all day 6/10, and 6/11. 6/12 starts to get iffy, because my son only has school in the morning. But it's still possible on 6/12 if that is the only day that will work.

Randa Bishlawi

Randa Bishlawi

05/22/2002 09:25 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: RE: Gary Development Landfill 

Hi Debbie and Anita, you got Doug's message re his availability. I am also available on aft of 6/10 or aft 6/12. Could one of you plz check with Rick's secretary (is that how he does his scheduling) and see if we could get on his calendar for an hour on 6/10 or 6/12 aft. If need be, I could come in on Tues. 6/11 but I'd prefer the other dates.

FYI, I will be out for two weeks starting June 14th. So lets try to fit that meeting in the week of the 10th.



Debbie Regel

05/22/2002 09:37
AM

To: WILLIAM MESSENGER/R5/USEPA/US
cc: Randa Bishlawi/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
Subject: Gary Development Landfill Removal Site, Gary, Indiana an
NPL-caliber site??

You weren't included in this message from the attorney to Rick & Doug.

Basically, what is happening, is that there was an oil spill in January that was done as an emergency under OPA. IDEM then asked us to take a look at some stuff that was abandoned at the old buildings in the past year. That's what the current removal action is about. While we were working on that, IDEM asked Anita to take a look at an old lagoon that had drums in it. Anita went out and did a very limited site assessment of the lagoon - we still don't know if there is anything actionable out there. So for now, we are focusing on the old buildings as a small removal action. The title search messages going back and forth are concerning the fact that while SAIC was doing the title search, they called me to say the property had already been up for a tax sale, and was up for another one. But when I got the title search report, there was hardly any mention about the tax sale at all. So I messaged Ruth to find out how to get the tax sale information as part of the title search. SAIC is going to write up some conversation records and is going to give us an amended title search. Hope that answers your message from yesterday.

As another issue, we are waiting for the sample results of the lagoon. AND, while going over old records for the Site, the team noted that RCRA closure and NPL scoring of the Site way back when sort of fell through the cracks a bit, and then the Site was archived in CERCLIS. ORC thinks, and we all agree, that this Site may need another CERCLA site assessment of the entire thing, and/or another NPL scoring. There is still some larger-than-removal stuff going on out there.

I'll be back in tomorrow if you have any other questions. Or you can call me at home to discuss if needed.

----- Forwarded by Debbie Regel/R5/USEPA/US on 05/22/2002 09:30 AM -----

Randa Bishlawi

05/21/2002 03:50
PM

To: RICHARD KARL/R5/USEPA/US@EPA, Douglas
Ballotti/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Deborah Garber/R5/USEPA/US@EPA
Subject: Gary Development Landfill Removal Site, Gary, Indiana an
NPL-caliber site??

Rick and Doug:


I was recently assigned to assist with enforcement on a time-critical removal at the Gary Development Co. Landfill site. I would like the opportunity to discuss this site with both of you since it appears to me that this could or should be an NPL-caliber site and the site may have viable PRPs. I understand Rick is available after June 7. I would like to meet sometime the week of June 10th. Please let me know your availability.

In the meantime, here is a brief summary of the enforcement and environmental history of the site:

Recently, IDEM reported to EPA that there were some 55-gallon drums leaking in and near office buildings at the old landfill site. The drums seem to have been drums of materials used by the owner/operator of the landfill, stuff like old motor oil and windshield wiper fluid etc. Also, IDEM reported some old drums on the edge of a lagoon on the property. Anita is proceeding with addressing these immediate issues as a time-critical removal.

Douglas Ballotti

05/21/2002 04:36 PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA, RICHARD
KARL/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill Removal Site, Gary, Indiana an
NPL-caliber site?? 

Randa,

I'm available the afternoon of 6/10, the morning of 6/11, and the afternoon of 6/12.

Thanks. Doug

Randa Bishlawi

Randa Bishlawi

05/21/02 03:50 PM

To: RICHARD KARL/R5/USEPA/US@EPA, Douglas
Ballotti/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Deborah Garber/R5/USEPA/US@EPA
Subject: Gary Development Landfill Removal Site, Gary, Indiana an
NPL-caliber site??

Rick and Doug:

I was recently assigned to assist with enforcement on a time-critical removal at the Gary Development Co. Landfill site. I would like the opportunity to discuss this site with both of you since it appears to me that this could or should be an NPL-caliber site and the site may have viable PRPs. I understand Rick is available after June 7. I would like to meet sometime the week of June 10th. Please let me know your availability.

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But the bigger story is that in reviewing the files for this site, it looks like the site was a hazardous waste landfill - 55-60 acres- from 1974-1986 that never underwent proper RCRA closure because the owner/operator company went out of business. The landfill is immediately adjacent to the Grand Calumet River and apparently leachate has been flowing for years into the river. I understand the river is hydraulically connected to Lake Michigan. The closure and post closure total cost estimate back in 1997 was about \$12 million. EPA issued a RCRA 3008 order to Gary Development Company (owner/operator of landfill) requiring RCRA closure in 1986. The company appealed the order and basically fought the order for 10 years. EPA signed the CAFO with Gary Development Company for a penalty for operating a h.w. facility without interim status or a permit and the CAFO established a very small trust fund (\$40,000) for closure because the company was unable to pay the full amount. The Site was initially scored back in 1992 and the contractor came up with a score of 11.7 because the scorer assumed proper closure of the landfill. I think the actual score would be much higher since hazardous substances leak straight into the river from the landfill. In 1997, EPA's RCRA program deferred the Site to CERCLA. In 1998, the owner/operator company, Gary Development Company, dissolved.

From my preliminary review of the materials, there appear to be a long list of possible generators, some of whom are still in business, that may have sent h.s. to this site for disposal. The list includes Benjamin Moore Co. National Can, Western Electric, Georgia Pacific, Union Carbide, Shell Oil, U.S. Reduction and Borg Warner among 20 others. Unfortunately, there is also a laundry list of now bankrupt steel companies who sent h.w.(there are manifests). It is also possible that we may be able to develop a case against the individual who owned the company that owned the landfill during the first 7 years of operation (Rock Road Construction Company). Gary Development Company was a subsidiary of Rock Road Construction Company. This individual was wealthy enough to have donated so much to the Tucson Public Library that it is named after him as well as two major streets.

This appears to be a case where there may be significant environmental harm occurring and where there may be viable PRPs that we could require to conduct the clean up. I'd like us to discuss how we might want to proceed with this matter beyond the limited time-critical removal currently underway.

Thanks.

Randa Bishlawi

07/23/2002 02:23 PM

To: Reginald Arkell/R5/USEPA/US@EPA, David
Maquez/R5/USEPA/US@EPA

cc: Debbie Regel/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA

Subject: Re: Gary Development File Review 

Hi Reg:

I reached the IDEM file room today and they are open once again and they tell me they have all the Gary Development files available. The file room is open from 8:30-4:30. It's at the IDEM offices, 100 North Senate Ave. Indianapolis - 12th floor - east end. Dave Marquez (it's spelled wrong on Lotus) would like to join you and I think he could be a lot of help identifying and copying the documents involving Nannini and Hagen. If there aren't too many boxes, I'd actually like to have all of the IDEM (and old agency) files copied - with the exception of any U.S. EPA docs that we would already have in our files. I have decided that I will not join you on this round. I will let you and David work out when the most convenient time to go would be for both of you. I know David is going to be around through next week and then he's going back to law school. Thanks so much.

Let me know if you have any questions.

Randa Bishlawi


07/16/2002 02:21 PM

To: Reginald Arkell/R5/USEPA/US@EPA, Debbie

Regel/R5/USEPA/US@EPA

cc: Anita Boseman/R5/USEPA/US@EPA, Deborah

Garber/R5/USEPA/US@EPA

Subject: Re: Gary Development Landfill - Investigative Status 

Confidential

Attorney Client Communication

Hi Reg and Debbie:

Reg, first thank you for your investigative report- there is a lot of detailed information. I have also received a detailed memo from our law clerk after he reviewed all the files. Both your reports and the final site assessment report have led me to conclude that the following steps are appropriate:

(1) review the IDEM files to get copies of the original documents regarding PRP generators plus more on Nannini and Hagen. I think I cced you on my letter to IDEM re reviewing their files. Once I hear back, perhaps you could visit the file room with Debbie and me.

(2) send a GN and info request letter to Lawrence H. Hagen - we have sufficient information now on him in our own files to conclude he's an operator. Most of the drums and containers that are to be removed were from the Gary Development offices and garages and had nothing to do with outside generators. In that letter, we should inform him of the removal action that is about to be performed and provide him with the opportunity to conduct the removal himself. He isn't likely to avail himself of the opportunity. The info request should focus on getting detailed information about generator PRPs who disposed there and getting info on Nannini's level of involvement in operation of the facility. Perhaps if Hagen feels we've focused solely on him, he'd provide info on others' involvement. We certainly should try to get copies of all disposal contracts Gary Development Corporation had with the generators/transporters.

(3) after reviewing the IDEM files and assuming we get a response from Hagen, I'd like to first take William Nannini's testimony since he's the oldest in the group and we have very little evidence against him as an individual.

Douglas Ballotti

07/02/2002 01:00 PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA, Reginald
Arkell/R5/USEPA/US@EPA, RICHARD KARL/R5/USEPA/US@EPA,
THOMAS MARKS/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill, Gary Indiana

Randa,

Tom Marks discussed this site with our site assessment folks. My understanding is that they will raise the site with the IDEM site assessment folks this summer. I believe this is in sync with workplanning activities between the Agencies. I expressed my strong interest to Tom in pursuing this site. If the State appears reluctant, I intend to elevate the issue.

We'll keep you posted as soon as we hear something.

Thanks. Doug

Randa Bishlawi

Randa Bishlawi

06/27/02 10:20 AM

To: THOMAS MARKS/R5/USEPA/US@EPA, Douglas
Ballotti/R5/USEPA/US@EPA, Debbie Regel/R5/USEPA/US@EPA,
Anita Boseman/R5/USEPA/US@EPA, RICHARD
KARL/R5/USEPA/US@EPA, Reginald Arkell/R5/USEPA/US@EPA
cc: Deborah Garber/R5/USEPA/US@EPA
Subject: Gary Development Landfill, Gary Indiana

Confidential
Attorney Client Communication

Tom and Doug, I wanted to follow up with you to find out if you have discussed this site with Bill Messenger and IDEM. As we discussed in our early June meeting, it appears from the Site's RCRA files that in the past (1996) IDEM believed that the Site posed a "potentially severe contamination risk to the Grand Calumet River" since no closure of the former hazardous waste landfill took place. To our knowledge, no closure activities have taken place since 1996. In 1997, EPA's RCRA program deferred the Site to CERCLA.

As we agreed in our meeting, on the enforcement side I have initiated preliminary PRP investigations in an effort to identify and preserve PRP information. Specifically, I am collecting corporate status documents regarding the corporations that owned and operated the facility. Also, I have formally requested that Reginald Arkell of EPA's Office of Criminal Enforcement, Forensics and Training assist Debbie and me in collecting information regarding possible PRPs for the Site. Reginald is beginning his investigation efforts soon.

I understand that Anita is working on the action memo for the time-critical removal action associated with a number of drums that were at and near the buildings at the Site and by a lagoon area. This removal action is limited and will not be addressing the risk associated with the landfill wastes leaching into the river.

Randa Bishlawi

06/13/2002 09:32
AM


To: Reginald Arkell/R5/USEPA/US@EPA
cc: David Marquez/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
Subject: Gary Development Landfill

Reg, during my vacation Dave Marquez, law student at NW and my office mate, is conducting legal research into the issue of individual/corporate officer liability as an operator of a facility. He will be looking into the history of the site and assisting in crafting questions that we can ask Nanini and Hagen (and other officers) of the two involved corporations. Please feel free to discuss the facts and case with him. He will store the files in my GDLF drawer when he is not using them.

Thanks. Randa

Debbie Regel

10/07/2002 11:43 AM

To: Randa Bishlawi/R5/USEPA/US
cc: Reginald Arkell/R5/USEPA/US@EPA
Subject: Re: 104(e) requests 

Actually, I did get a full-blown response on behalf of Nanini and Hagen dated 9/30. I sent you a copy on Friday which you should get today (hopefully). I haven't read it through yet, but it looks like they are again whining about previously settling with us.

After you review it, just let me know what you want to ask them specifically, and I can draft the 104(e).

Randa Bishlawi

Randa Bishlawi

10/07/2002 09:39 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Reginald Arkell/R5/USEPA/US@EPA
Subject: 104(e) requests

Hi Debbie,

It appears that Nanini is doing ok based on the general notice response letter we got from him. Fyi, Reg - in his letter, Nanini said his lawyers would contact us but they haven't and he also said he thought this site was settled with the RCRA settlement.

I'd like us to send both Hagens and Nanini a 104(e) info request to obtain whatever information we can in that way. Then, we'll decide who might be best to depose or interview. Debbie, could you please send me drafts of an owner/operator version of a 104(e) and I'll work on tailoring it to these gentlemen. I want to ask them for the Gary business records.


Thanks. Randa

Debbie Regel

10/01/2002 02:16 PM

To: Randa Bishlawi/R5/USEPA/US

CC:

Subject: Re: GDLF 

:)

I know. I just keep trying to pound enforcement into those guys.
Randa Bishlawi

Randa Bishlawi

10/01/2002 01:35 PM

To: Debbie Regel/R5/USEPA/US@EPA


CC:

Subject: Re: GDLF 

amen. However, I had sensed from Anita's section chief that they were not going to wait very long on the PRPs on this one since it was so small. I'm still waiting on the promised call from Nanini's lawyers.

Debbie Regel

10/01/2002 12:42 PM

To: Anita Boseman/R5/USEPA/US
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: Re: GDLF 

Although it's too late now, I just have to get my enforcement "lecture" in:

The reason for the general notice letter is to give the PRPs the chance to do the removal. We aren't supposed to do the cleanup before they respond. Nanini didn't come right out and say he wouldn't pay to do the work.

Repeat this mantra: "Enforcement First".


I guess we can always try to get money back under cost recovery (Randa - you'll be stuck with me for 3 more years!)

Anita Boseman

Anita Boseman

09/30/2002 04:11 PM



To: Randa Bishlawi/R5/USEPA/US@EPA, Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Re: GDLF 


Good afternoon,

I forwarded to you a copy of the POLREP for the GDLF site this morning. The site cleanup has been completed.

Randa Bishlawi

Randa Bishlawi

09/30/02 08:42 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Re: GDLF 

Thanks. We'll talk about any next steps then. By the way, Anita, did you go ahead and remove those CERCLA drums at the Site under the action memo or are you still waiting on the response from Nanini?



Anita Boseman

09/30/2002 10:43
AM

To: Ray Worley/DC/USEPA/US@EPA, RICHARD
KARL/R5/USEPA/US@EPA, Linda
Nachowicz/R5/USEPA/US@EPA, Beverly
Kush/R5/USEPA/US@EPA, WILLIAM
MESSENGER/R5/USEPA/US@EPA, Marouf/R5/USEPA/US@EPA,
Randa Bishlawi/R5/USEPA/US@EPA, Beth
Henning/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Stuart Hill/R5/USEPA/US@EPA,
JOHN MARITOTE/R5/USEPA/US@EPA, jnordine@dem.state.in.us,
epapolreps@balston.uscg.mil
cc:
Subject: Pollution Report for the Gary Development Landfill site in Gary,
Indiana

Good morning,

Here is the 3rd and Final POLREP for the GDLF site in Gary, IN.

If you have any questions, please do not hesitate to contact me by responding to this e-mail message or leaving me a voice mail message at 312-886-6941.

Sincerely,

Anita L. Boseman
U.S. EPA, On-Scene Coordinator



GaryLandfillPolrep3.

Debbie Regel

09/27/2002 08:57
AM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: GDLF

Got Nanini's response this morning. He doesn't exactly say one way or another that he will participate - only that his attorneys will contact us and they will cooperate.


I'm sending each of you a copy of his response.

Debbie Regel

09/26/2002 08:23 AM

To: Randa Bishlawi/R5/USEPA/US

cc:

Subject: Re: Gary Development General Notice Letters 

He signed it himself.
Randa Bishlawi

Randa Bishlawi

09/24/2002 09:29 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development General Notice Letters 


Thanks for info. Can you see who signed the green card at Nanini's residence?

Debbie Regel

09/23/2002 04:19 PM

To: Randa Bishlawi/R5/USEPA/US

cc:

Subject: Re: Gary Development General Notice Letters 

Hagen got his on 9/18.

Nanini got his on 9/19.

I haven't heard anything else, but will let you know if/when I do.

Randa Bishlawi

Randa Bishlawi

09/23/2002 03:54
PM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Gary Development General Notice Letters

I see that these letters were stamped on Sep 11. Have we received signed certified mail receipts back on those? Hope you're doing well.

Douglas Ballotti

09/25/2002 09:19 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill 

Randa,

I'll check with our site assessment folks.

Thanks. Doug

Randa Bishlawi

Randa Bishlawi

09/24/02 04:15 PM

To: Douglas Ballotti/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA
Subject: Gary Development Landfill

Hi Doug:

Back in July you sent me a message indicating that you thought EPA's site assessment group would be discussing this site with the IDEM site assessment group. Do you know who in our site assessment group was going to do that? I'd like to find out what's happening. I've been having NEIC track down some owner prps and that's beginning to stir up people about what U.S. EPA is planning to do at the Site. So I think it would be a good idea to know if U.S. EPA or IDEM may be doing further investigation out there.

Thanks.

Randa



Debbie Regel

09/04/2002 11:54 AM

To: WILLIAM MESSENGER/R5/USEPA/US@EPA

cc:

Subject: Re: Mosiac Tile & Gary Development Landfill

Neither of these sites should become fund-lead right now. There are PRPs on both, and there is the possibility that both sites might have PRPs do some (or all) of the work.

WILLIAM MESSENGER

**WILLIAM
MESSENGER**

09/04/2002 11:52
AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Mosiac Tile & Gary Development Landfill

Hi Debbie,

When you have a chance, please stop by and speak to me about these sites.

What is the enforcement status of these two sites? Have we found any PRPs?


These are on a short list for funding, can they become Fund lead or do we have something going?

Thanks.

Debbie Regel

08/07/2002 07:37 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Reginald
Arkell/R5/USEPA/US@EPA

Subject: Re: Gary Development 

I will begin working on the enf. addendum and the other letters. Sorry I won't be able to offer any help beyond the immediate removal enforcement - I just got another site and things have been hopping down here. Can't do any more than the call of duty right now!

But I WILL do the rest. :)
Randa Bishlawi

Randa Bishlawi

08/06/2002 02:17
PM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Reginald
Arkell/R5/USEPA/US@EPA
Subject: Gary Development

Hi Debbie,

I have just read the draft action memo that Anita sent to us. Are you drafting the enf. addendum? At this stage, I think we should proceed with drafting general notices and 104(e) information requests to Nanini and Lawrence H. Hagen (senior) in their individual capacity, both as operators. The wastes to be addressed in the pending removal action seem to be primarily wastes generated by Gary Development Company in running their machinery and the landfill (insecticides etc.) So I think it would be inappropriate to name any of the companies who sent wastes to the site since this action isn't addressing those wastes. I would ask Nanini and Hagen to agree to undertake this removal action under an aoc.


We have enough evidence to conclude that Hagen senior is an operator. We have much less information about Nanini but I think enough for general notice. I have asked Reg Arkell to interview Larry Hagen Jr. He seems to have been an employee in the 90's and was usually the one attending the inspections. He still lives in the area. He would probably also qualify for operator but he is marginal financially.

Randa Bishlawi

To: Debbie Regel/R5/USEPA/US@EPA

10/07/2002 03:09 PM

CC:

Subject: Re: GDLF 

Yes, the case was only brought against them under RCRA. As you pointed out the reservation of rights in the Consent Decree says this reservation includes any claims of EPA under CERCLA. However, these guys are so litigious that I think we'll need to confer with Josh Levin at DOJ just to make sure that he knows about EPA's activities so he won't be blindsided if they try to say we've breached the agreement by pursuing Hagen and Nanini under CERLCA. I also see Diana Embil's (ORC's) name on the letter from DOJ so I'll check with her and see if she has an opinion.

Debbie Regel

10/07/2002 02:41
PM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: GDLF

It appears that Nanini's/Hagen Sr.'s attorney missed EPA's reservation in paragraph 26 of the Consent Decree from 1997, and doesn't realize that the general notice was given under CERCLA.

Oops.

Well, now that we are in cost recovery, we just have to make sure all of Anita's costs are submitted, and then we can send out a demand letter to these two.

Anyway, we can talk about it whenever.

Debbie Regel

11/06/2002 09:54 AM

To: Randa Bishlawi/R5/USEPA/US

cc:

Subject: Re: Gary Development

Here's what I think/suggest, and there are a couple of issues going on that are causing us to get snagged here:

1. We aren't positive we can actually go after the operators for cost recovery because of the language in the CD, and
2. We don't have proof that the operators are being truthful about whether they knew the drums were there in July 1997.

The operators believe they are now off the hook, so they think they don't really have to cooperate with us (and they aren't going to admit anything to us anyway). All the guys who were on the Board of Directors that Reg found aren't going to fess up to anything, even under a 104(e). Nobody knows nuthin' unless IDEM can find records which prove those drums were already there when the CD was signed. So if IDEM can find something that is dated, which shows the drums were there on or before July 1997, I think we will have much more cooperation from Hagen & Nanini. And I think that IDEM's records will give our cost recovery efforts more oomph than 104(e) responses will right now.

I'm not at all opposed to sending both Hagen and Nanini a 104(e). I just don't think they will tell us anything in their responses, unless we can ask a point blank question like "How come IDEM saw that stuff there and you say it wasn't there?". I guess what I'm saying is that I'd like to first hear back from IDEM before sending the 104(e)s.

Also, as far as gathering 104(e) information about generators for the remedial side, technically that would go to an enforcement person in Tom Marks' Section. But I won't be hard-nosed about it - I'd be glad to draft in those questions as well when we send any 104(e)s.

Let me know what you think, whether you agree or disagree. Before we keep going on cost recovery for the removal, can someone up high decide if we even have a case against the operators? Too bad the company itself is defunct.

The only other thing I can think of would be to see if Reg could dredge up former employees of Gary Development - just the worker bees who might really talk and implicate the big guy operators. This is usually hard to do, but it works sometimes.

What do you think?

Randa Bishlawi

Randa Bishlawi

10/28/2002 11:43 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Deborah Garber/R5/USEPA/US@EPA

Subject: Gary Development

Confidential
Atty Work Product

Hi Debbie

I heard from Bob Lamprecht, IDEM inspector, today. He recalls that the drums at issue (addressed in removal action) were outside the "pole barn" when he did his inspections in 96 or 97. He is checking his inspection reports to see if he has notes and/or photographs of those drums. The attys for Nanini and Hagen said that (1) no waste was remaining at the site at time of CD entry (July 97) and (2) claim the 1997 RCRA CD resolved all claims, including under CERCLA, EPA may have against Hagen and Nanini relating to the Site.

I spoke with Josh Levin, DOJ Defense atty who represented U.S. EPA in finalizing the consent decree settlement with Gary Development in 1997. He says he didn't do the actual negotiating, that doj atty left, but his initial reaction upon reading the reservation of rights para is that it did not reserve U.S. EPA's rights to pursue Hagen and Nanini under CERCLA if it's the same cleanup work as what we would have obtained under the May 1986 compliance order. I pointed out that the RCRA compliance order was not even issued to the officers of the company just the company so even under his interpretation we should be able to pursue officers. Although I don't think para 26 (reservation of rights) is written as clearly as it should be, I actually think EPA reserved all our rights under CERCLA. Levin admits he's not a CERCLA enforcement expert, he's just reading what he thinks is the plain language of the CD. I also contacted the former ORC atty who was involved in negotiations but she left a number of years ago and doesn't recall the case. Josh Levin thinks that the reopener (para 27) could be an approach we could use to pursue Nanini and Hagen if we could prove that Nanini and Hagen "conducted profit making activities of whatever kind" after Nov. 1997. That's what the CD says so that could be another approach we could use.

I'll let you know what Bob Lamprecht finds. Our next step is to issue 104(e) requests to Nanini and the Hagens (both junior and senior) to try to collect more info on the generators (for possible future remedial investigation/action) and also more information on these removed drums for the removal cost recovery. Can you draft these?

Randa Bishlawi

10/21/2002 09:37 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Site

Sorry to have missed your call on Fri. Yes, I was out but forgot to change my vm message. This message seems to indicate that the exterior drums may not have been left there by Gary but who else?? Still don't know about interior containers.

----- Forwarded by Randa Bishlawi/R5/USEPA/US on 10/21/02 09:39 AM -----

Michael Mikulka

10/18/02 01:24 PM

To: Randa Bishlawi/R5/USEPA/US@EPA

cc:

Subject: Re: Gary Development Site 

I went out to the site and do not recall any drums (outside) at that time. There was some machinery that was left there, including a landfill tractor, and there was a crane in the pond on the back side. There were also IDEM staff that may have a recollection.

Mike

Randa Bishlawi

Randa Bishlawi

10/17/02 08:51 AM

To: Michael Mikulka/R5/USEPA/US@EPA

cc: Debbie Regel/R5/USEPA/US@EPA, Anita

Boseman/R5/USEPA/US@EPA

Subject: Gary Development Site

Hi Mike:

Put your memory into high gear. I'm asking you to recall what the site looked like at or around the time of the consent decree in July 1997. Specifically, do you recall whether there were containers/drums of paint, insecticide, antifreeze left behind in and near the buildings at the site? Maybe you went out and took photos. Gary Development's attorneys claim all waste was removed from the site at the time of the CD. If you don't know, do you know anyone at IDEM who would know?

Debbie Regel

10/17/2002 02:27 PM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Re: GDLF []

Sure - I can give the IDEM contacts a call and see what they remember.
Randa Bishlawi

Randa Bishlawi

10/17/2002 08:42 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Re: GDLF []

Hi Anita:


We received a letter from Gary Development's attorneys claiming that as of July 1997 when Gary Development entered into the Consent Decree "there was no waste remaining on the site". I guess they mean other than the five hundred tons in the landfill. I would like to talk to the IDEM people that would have been familiar with how the site looked in 1997. Specifically, were the drums and containers that you addressed in the removal action left there in 1997 when Gary Development padlocked the place. In order to get this answered, could you give me some names of IDEM personnel who are familiar with the site??

Debbie, do you have time to follow this one up.
I will contact Mike Mikulka to see if he can recall whether those drums were there.

Thanks. Randa

Randa Bishlawi

10/17/2002 08:42 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Re: GDLF 

Hi Anita:

We received a letter from Gary Development's attorneys claiming that as of July 1997 when Gary Development entered into the Consent Decree "there was no waste remaining on the site". I guess they mean other than the five hundred tons in the landfill. I would like to talk to the IDEM people that would have been familiar with how the site looked in 1997. Specifically, were the drums and containers that you addressed in the removal action left there in 1997 when Gary Development padlocked the place. In order to get this answered, could you give me some names of IDEM personnel who are familiar with the site??

Debbie, do you have time to follow this one up.
I will contact Mike Mikulka to see if he can recall whether those drums were there.

Thanks. Randa

Randa Bishlawi


10/17/2002 08:51 AM


To: Michael Mikulka/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
Subject: Gary Development Site

Hi Mike:

Put your memory into high gear. I'm asking you to recall what the site looked like at or around the time of the consent decree in July 1997. Specifically, do you recall whether there were containers/drums of paint, insecticide, antifreeze left behind in and near the buildings at the site? Maybe you went out and took photos. Gary Development's attorneys claim all waste was removed from the site at the time of the CD. If you don't know, do you know anyone at IDEM who would know?


Anita Boseman

 10/17/2002 09:06 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Re: GDLF 

My contact at the IDEM was John Nordine. He can be reached at 219-881-5758. He called in the spill to the National Response Center. I will check my e-mails for other contacts.

Anita Boseman


 10/17/2002 09:13 AM

To: Randa Bishlawi/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
cc:
Subject: Fwd: Gary Development Corp. Landfill legal description....

More contacts at IDEM.

----- Forwarded by Anita Boseman/R5/USEPA/US on 10/17/02 09:14 AM -----

JOHN NORDINE
<JNORDINE@dem.st
ate.in.us>

 03/26/02 08:50 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc:
Subject: Fwd: Gary Development Corp. Landfill legal description....

----- Message from "JAMES SULLIVAN" <JSULLIVA@dem.state.in.us> on Tue, 26 Mar 2002 10:31:33 -0500 -----

To: "JOHN NORDINE" <JNORDINE@dem.state.in.us>

cc: "ADRIANE BLAESING" <ABLAESIN@dem.state.in.us>, "TOM DAUGHERTY"
<TDAUGHER@dem.state.in.us>

Subject Gary Development Corp. Landfill legal description....

:

John, Tom D. sent me a message that you were in need of a legal description of the GDC Landfill property... in hopes that it includes that lagoon on the north end of the site.... Here's the legal description from a permit renewal (dated February 16, 1982) in our files: "The sanitary landfill project, located in that part of the W ½ of the SW 1/4 of Section 35 lying north of the Grand Calumet River, T37N, R9W, containing approximately 61.9 acres, was issued a construction plan permit on June 21, 1973....." I know that lagoon is apart of the landfill, as it was initially a barrow pit for cover material...then the rains came, the owners flew south, and the heavy machinery got stuck in the middle of the lake...etc... Another contact for this site at EPA would be Mike Mikulka, his e-mail address is mikulka.michael@epa.gov He might have some more information on this site that we have.... Good Luck on this and don't hesitate to call...

Jim Sullivan
(317) 233-2415

Randa Bishlawi

10/17/2002 02:36 PM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Re: GDLF 

Thanks. FYI, I've asked DOJ defense (Josh Levin) what his opinion is of the reservation of rights paragraph 26. He represented EPA in the consent decree negotiations. He's looking at it. I'll let you know what he says and then I will respond to the letter sent by Nanini's lawyer.


Debbie Regel

11/19/2002 12:31 PM

To: Randa Bishlawi/R5/USEPA/US

cc:

Subject: Re: Gary Development - TCN w/ IDEM, Response to Nanini and Hagen's lawyer and

104(e) Requests 

The letter to McKinney Goldner looks very good. Thanks for writing it.

Too bad about Lamprecht. Well, I'll draft the 104(e)s up.

Randa Bishlawi

Randa Bishlawi

11/18/2002 11:14 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Deborah Garber/R5/USEPA/US@EPA

Subject: Re: Gary Development - TCN w/ IDEM, Response to Nanini and Hagen's lawyer and

104(e) Requests 

TCN's w/ IDEM:

I called Bob Lamprecht, IDEM, on Thursday last week, since he didn't get back to me. He'd gone through his photos of the Site from his inspections in 1996 and he has no photographs of the drums/containers near or inside the buildings - the ones addressed in the removal action. He doesn't think he ever saw the inside of the buildings. When asked again about whether he recalled seeing the drums of oil and other storage containers near the buildings, he said he really didn't recall. He thinks that when he first spoke with me, he was recalling some other drums not next to the buildings. So he will not be able to provide us with any evidence or testimony regarding the drums/containers addressed in the removal action. Mike Mikulka also did not recall what was in or near the buildings and directed me to the photographs in the RCRA file. There are no photos of the buildings or inside of the buildings in the files. I still have one more IDEM inspector that may recall the site. He's left IDEM but Lamprecht thinks he works for us now. Anyway, you may be right about not having the evidence to pursue Nanini and Hagen for the cost recovery on this small removal action (\$25,000). However, I still would like us to get responses to 104(e) requests from Nanini and both Hagens. If EPA does proceed with a CERCLA remedial or larger removal action at the Site, I'd like us to have this info in the files.

Responding to Nanini's Lawyer:

Also, I believe we should respond to the letter from Nanini's and Hagen's lawyer to you. I was waiting to hear back from IDEM and EPA's RCRA inspectors regarding what wastes were at the Site in 1996 and 1997 but as mentioned above, no luck so far. The letter also addresses the reservation of rights in the Consent Decree.



McKinneyletter.w

Please let me know if you have any comments/changes to the attached draft letter.


104(e) requests

Also, please draft the 104(e) requests asking standard owner/operator questions, plus questions about what materials were used in the buildings and what materials were left behind when Gary Development handed over the keys to IDEM. I'd also like to get names of Gary's employees at the Site. I realize you think they won't be forthcoming and you're probably right but let's give it a try. If they refuse to answer, we then have a cause of action for failure to answer.

Randa Bishlawi

To: Debbie Regel/R5/USEPA/US@EPA

05/07/2003 04:22 PM

Subject: Re: Phone Message from Richard Van Rheenen 

thanks for the update.

Debbie Regel

To: Randa Bishlawi/R5/USEPA/US@EPA

04/30/2003 10:52 AM

Subject: Re: Gary Development Info Request - what's up 

William Nanini's response is due on 5/29/03. Our secretary accidentally addressed Lawrence Hagen Jr.'s envelope to Lawrence Hagen, SR, but did mail it to junior's address. That response should also be due around 5/29 (green card was signed by Lawrence H. Hagen [no jr. or sr. afterwards], but the date of delivery was not written down (but it was stamped by the post office on 3/27).

I have not heard a peep from either one of them, but I will let you know if I get a phone call or response. I'll send follow-up letters if needed.

Randa Bishlawi

Randa Bishlawi

To: Debbie Regel


04/30/2003 10:42 AM

Subject: Gary Development Info Request - what's up

It seems ages ago that I signed off on the info request but I never seem to have received a copy of the final confirming that it was sent out. Do you know what day their response was due?

Debbie Regel

01/27/2003 11:44 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
Subject: Re: Gary Dev INfo requests 

I'm sorry I didn't answer your memo sooner - I'm not ignoring you, I just don't know how to respond right now! I am working on 2 new sites, and I'll need to look into GDLF again down the road to give you an answer.
Randa Bishlawi

Randa Bishlawi

01/16/2003 09:16 AM

To: Debbie Regel
Subject: Gary Dev INfo requests

Hi Debbie,

Happy New Year! Hope you had a good holiday season.

I'm trying to finish up last year's odds and ends on the to do list and see that we didn't get the 104(e)s out to the PRP owner/operators for Gary Dev. If you sent those along to me already, I apologize but I don't think you have yet. Thanks.

Randa




Debbie Regel/R5/USEPA/US

07/12/2004 02:40 PM

To Randa Bishlawi/R5/USEPA/US@EPA

cc

bcc

Subject Re: List 

Absolutely, but it'll have to be put in the queue in order of SOL date. I promise I won't forget about it, and it'll be done ASAP!

Randa Bishlawi/R5/USEPA/US


Randa

Bishlawi/R5/USEPA/US

07/12/2004 02:37 PM

To Peter Felitti/R5/USEPA/US@EPA

cc Debbie Regel/R5/USEPA/US@EPA, Deborah
Garber/R5/USEPA/US@EPA

Subject Re: List 

I am the atty for the Gary Development removal action. The removal costs were less than \$ 50,000 and the removal cleaned up some barrels of wastes, transformers etc. related to operating the landfill. It will be a close out since the owner/operator company that ran the landfill went out of business more than 5 years ago and I can't identify other parties connected to the particular waste we removed. The landfill itself may be the subject of a separate cleanup action that would involve the prp generators who sent the actual waste. I've requested that the site be rescored to see if it can reach NPL status. Debbie Regel and I need to write a close out memo for this small removal. Debbie, can you get that started?



Debbie Regel/R5/USEPA/US
03/22/2005 11:53 AM

To Anita Boseman/R5/USEPA/US@EPA
cc
bcc
Subject Re: Gary Development Landfill site in Gary, IN

Yes. I can give him a call. But it will likely be tomorrow.
Anita Boseman/R5/USEPA/US

Anita Boseman/R5/USEPA/US
Sent by: ANITA BOSEMAN
03/22/2005 11:51 AM

To
Subject Gary Development Landfill site in Gary, IN

Good morning.

I received a call from Fred Thompson of the U S Coast Guard regarding this site. He is looking for information regarding possible owners. Remember, this site was OPA and CERCLA. I know a title search was completed however, I don't recall the results. Can you please assist him? His telephone number is 202-493-6728 His e-mail address, fthompson@ballston.uscg.mil.

Thanks.
Anita L. Boseman
On-Scene Coordinator
U.S EPA, Superfund Division
77 W. Jackson Blvd. (SE-5J)
Chicago, IL 60604
312-886-6941
312-353-9176 (fax)



Debbie Regel/R5/USEPA/US

03/15/2005 11:00 AM

To Randa Bishlawi/R5/USEPA/US@EPA

cc

bcc

Subject Re: Hi Stranger - Gary Development Close-out

Howdy! Well, to tell you the truth, I am presently clueless about this Site, as I have not worked on it in quite some time.

But I will look into it.

Debbie Regel, Enforcement Specialist
U.S. EPA, Region 5, Emergency Response Branch
77 West Jackson Boulevard, SE-5J
Chicago, IL 60604
Phone 312-353-7632
Fax 312-886-0753
regel.debbie@epa.gov

-----Randa Bishlawi/R5/USEPA/US wrote: -----

To: Debbie Regel/R5/USEPA/US@EPA
From: Randa Bishlawi/R5/USEPA/US
Date: 03/14/2005 03:44PM
Subject: Hi Stranger - Gary Development Close-out

Hi Debbie,

I think the removal costs on this were minimal - \$25,000. Do we still need to do a close out? My urgings for a larger investigation of the leaking landfill went unheeded - at least to date - so all we have is the small removal. And in the final analysis we have no PRPs for the waste that was removed in the removal action. I have the completion date for the removal as 9/27/02, so SOL is 9/27/05.

Hope all is well with you and yours.

Randa

Randa Bishlawi
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Blvd.
Chicago, Illinois 60604
312/886-0510
312/886-7160 - fax
bishlawi.randa@epamail.epa.gov

Debbie Regel/R5/USEPA/US

To

03/23/2005 01:48 PM

Subject Fw. Gary Development Landfill site in Gary, IN

This is the message I got from Anita. I just now tried to call Thompson. but he is out of the office today. I left a voice mail message for him - he will be back tomorrow.

----- Forwarded by Debbie Regel/R5/USEPA/US on 03/23/2005 01:47 PM -----

Anita Boseman/R5/USEPA/US

To

Sent by: ANITA BOSEMAN

Subject Gary Development Landfill site in Gary, IN

03/22/2005 11:51 AM

Good morning,

I received a call from Fred Thompson of the U.S. Coast Guard regarding this site. He is looking for information regarding possible owners. Remember, this site was OPA and CERCLA. I know a title search was completed however. I don't recall the results. Can you please assist him? His telephone number is 202-493-6728. His e-mail address. fthompson@ballston.uscg.mil.

Thanks,

Anita L. Boseman

On-Scene Coordinator

U.S. EPA, Superfund Division

77 W. Jackson Blvd. (SE-5J)

Chicago, IL 60604

312-886-6941

312-353-9176 (fax)



ANITA
BOSEMAN/R5/USEPA/US
03/22/2005 02:30 PM

To

Subject ANITA BOSEMAN/R5/USEPA/US is out of the office.

I will be out of the office starting 03/22/2005 and will not return until 03/28/2005.

Good day.

I will be working in the field. Therefore, I will respond to messages within 2 business days. However, if you need immediate assistance, please contact my supervisor, Charles Gebien at 312-353-7645.

Thank you.

Debbie Regel /R5/USEPA/US

07/15/2005 02:22 PM

To "Thompson, Freddie" <FThompson@ballston.uscg.mil>

cc Anita Boseman/R5/USEPA/US@EPA

bcc

Subject Re: FW: Gary Development Landfill site in Gary, IN

Mailed title search 7/29/05

Left voice mail message at 8:15 am on 7/25/05

I tried to reach you on March 23rd, but you were out of the office and I had left a voice mail. It's entirely possible you never got it? At any rate, I have been pulled into a couple of "brush fires" that need my immediate attention, but wanted to let you know that I will look at my file again next week, and will call you and/or e-mail you then.

"Thompson, Freddie" <FThompson@ballston.uscg.mil>

4200 Wilson Blvd.

Suite 1000

Arlington, VA 22203-1804



"Thompson, Freddie"
<FThompson@ballston.uscg.mil>

To

07/13/2005 07:36 AM

Subject FW: Gary Development Landfill site in Gary, IN

Debbie - could you please forward documentation regarding the last OWNER / OPERATOR for the GARY DEVELOPMENT LANDFILL SITE in Gary IN. Please call and advise (202) 493-6728

Freddie Thompson

-----Original Message-----

From: Boseman, Anita@epamail.epa.gov [mailto:Boseman, Anita@epamail.epa.gov]

Sent: Tuesday, March 22, 2005 12:51 PM

To: Regel, Debbie@epamail.epa.gov

Cc: fthompson@ballston.uscg.mil

Subject: Gary Development Landfill site in Gary, IN

Good morning,

I received a call from Fred Thompson of the U.S. Coast Guard regarding this site. He is looking for information regarding possible owners. Remember, this site was OPA and CERCLA. I know a title search was completed however, I don't recall the results. Can you please assist him? His telephone number is 202-493-6728. His e-mail address: fthompson@ballston.uscg.mil.

Thanks,

Anita L. Boseman

On-Scene Coordinator

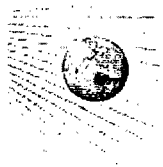
U.S. EPA Superfund Division

77 W. Jackson Blvd. (SE-5J)

Chicago, IL 60604

312-886-6941

312-353-9176 (fax)



Debbie Regel/R5/USEPA/US

08/17/2005 09:05 AM

To Randa Bishlawi/R5/USEPA/US@EPA

cc

bcc

Subject Re Gary Development Removal Action Close out

Yikes! You are right! I'll either write a really quick CO Memo, or have our contractor write it.
Randa Bishlawi/R5/USEPA/US

Randa Bishlawi/R5/USEPA/US To

08/16/2005 02:27 PM

Subject Gary Development Removal Action Close out

Hey Debbie - awhile ago I mentioned that I thought this needed a closeout. I can't recall if it got onto any of the lists. Its a small removal-- around \$ 28,000. I think you said you'd check it out. Time marches on and the SOL is 9/27/05. I brought it up in my case review last week and said I'd follow up with you. Thanks.

Randa Bishlawi
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Blvd
Chicago, Illinois 60604
312/886-0510
312/886-7160 - fax
bishlawi.randa@epamail.epa.gov



Debbie Regel /R5/USEPA/US

09/09/2005 09:20 AM

To *Darius Taylor*

Subject SCORPIO REQUEST/Gary Development Landfill Site

I sent a message to you by iNotes yesterday, but I don't think it went through.

I need to request a 2nd SCORPIO report for the Gary Development Landfill Site in Gary, Indiana. There may be 2 spill ID's for this Site. Can you please run a report for #Z5D8?

Thanks. :)



Debbie Regel/R5/USEPA/US

09/15/2005 10:09 AM

To Anita Boseman/R5/USEPA/US@EPA

cc Randa Bishlawi/R5/USEPA/US@EPA

bcc

Subject Re: Gary Development LF Close-Out Memo

Thanks, Anita

-----Anita Boseman/R5/USEPA/US wrote: -----

To: Debbie Regel/R5/USEPA/US@EPA
From: Anita Boseman/R5/USEPA/US
Date: 09/15/2005 08:46AM
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject Re: Gary Development LF Close-Out Memo

Good morning.

No comments.

Thanks.

Anita L. Boseman
On-Scene Coordinator
U.S. EPA, Superfund Division
77 W. Jackson Blvd. (SE-5J)
Chicago, IL 60604
312-886-6941
312-353-9176 (fax)

Debbie Regel/R5/USEPA/US

Debbie
Regel/R5/USE
PA/US
09/14/2005
02:14 PM

To Randa Bishlawi/R5/USEPA/US@EPA

cc Anita Boseman/R5/USEPA/US@EPA

Subject Gary Development LF Close-Out Memo

FINALLY here it is. I know I have not given you much time to review this.

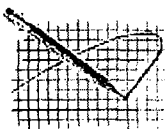
If the contractor had written it, it would have probably had much less information in it. I tried to compromise between that and an even more detailed memo. I tried to give background on the larger landfill, without getting bogged down in too many details.

I hope you will think this version alright, but am willing to make any changes you think fit.

I will need to have this back by no later than Friday 9/22 in order to get it through sign-off.



GDLF CO Memo Draft 9 14 05.wpd



Debbie Regel/R5/USEPA/US

09/15/2005 10:15 AM

To Randa Bishlawi/R5/USEPA/US@EPA

cc Anita Boseman/R5/USEPA/US@EPA

bcc

Subject Re: Gary Development LF Close-Out Memo

I know, and I'm so sorry. You'll never want to work with me again after this...

But honestly, the CO Memo would be signed off as is, no problem, by everyone except for one person - and that is your supervisory. I'm only worried that she will find fault with it, because she is usually VERY picky, and that will hold up the process.

One thing I forgot to add, and I thought of it while I was falling asleep, is that William Nanini was also the President of Rock Road. I can add that, or you can if you want to.

Thanks again (and humble apologies about short turn-around time).

-----Randa Bishlawi/R5/USEPA/US wrote: -----

To: Debbie Regel/R5/USEPA/US@EPA


From: Randa Bishlawi/R5/USEPA/US

Date: 09/15/2005 09:05AM

Subject: Re: Gary Development LF Close-Out Memo

Aaargh - bad timing but I'll try to make revisions early next week.

Randa Bishlawi
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Blvd.
Chicago, Illinois 60604
312/886-0510
312/886-7160 - fax
bishlawi.randa@epamail.epa.gov



Debbie Regel /R5/USEPA/US

To

09/21/2005 02:27 PM

Subject: Gary Development Landfill Site Close-Out Memo

The Close-Out Memo is in sign-off as of today. Please send your concurrence. Thanks!



GDLF CO Memo Draft 919 05.wpd



Debbie Regel/R5/USEPA/US

09/23/2005 10:36 AM

To

Subject Gary Development Landfill Site/Close-Out Memo

It's a done deal! Completely signed off as of today. Here is the final version (Randa, I had to fix acronym stuff in the reference pages, so that's the only difference). Your copies will probably be distributed next week.

It's been a pleasure working on this Site with both of you! (I know Randa can't say the same for me...)



GDLF Final CO Memo.wpd

Randa Bishlawi

08/08/2002 04:48
PM

To: Linda Nachowicz/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Deborah Garber/R5/USEPA/US@EPA
Subject: Gary Development Landfill Draft Action Memo

Hi Linda,

Anita has told me to send along my proposed changes to the action memo to you. I understand she is on leave for a couple of weeks. So here goes.



GDLF am.w

I also had some questions for Anita that I'm hoping you might be able to answer. The questions and changes are noted in redline in the doc. I will be out tomorrow and Mon - back at work on Tues. I think Debbie Regel is working on the enf. addendum this week.



Anita Boseman

08/08/2002 04:35
PM

To: Randa Bishlawi/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA, Linda
Nachowicz/R5/USEPA/US@EPA
cc: Lorraine Kosik/R5/USEPA/US@EPA
Subject: Update on the action memo for Gary Development Landfill Site in
Gary, IN

Good afternoon,

Randa has the action memo. Randa has some changes. However, she cannot sign-off on the action memo without the enforcement addendum. So, once the enforcement addendum is received from Debbie, ORC's 3 day turn around will begin.

Next, the administrative record needs to be amended to included the site assessment. Lorraine Kosik sends a copy of the report from START to the records center. Lorraine has the site assessment with the corrected site address of 479. Tetra Tech corrected that page and inserted it into the document.


Finally, if you have any questions regarding corrections to the action memo etc..., please send e-mails to my supervisor Linda Nachowicw and cc: me. Linda can also, be reached at 6-6337.

I think that's all for now.

Thanks,
Anita

Randa Bishlawi

08/30/2002 10:03 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Barbara Boseman-White/DC/USEPA/US@EPA, Reginald
Arkell/R5/USEPA/US@EPA, Deborah Garber/R5/USEPA/US@EPA
Subject: Re: Gary Development GN 

Hi Debbie,

Here are a few changes to the gn notice letter- redlined. I just added some of the facts from the action memo so they don't assume it's about the landfill materials. When I spoke with Linda Nachowitz, she and I agreed, we'll not spend alot of resources trying to make Nanini and Hagen do this time-critical removal action if they don't step up to the plate quickly. I understand the removal program really just wants to get this small removal completed quickly. We can try to recover these removal costs at some later point if we end up spending more money out there investigating or cleaning up. I need to call Doug Balotti and see what's going on with site assessment.

FYI to Reg - we are sending the gn letters to Nanini and Hagen Sr. not Hagen Jr. at this point. I still would like you to conduct the interviews with these individuals and Hagen Jr, to the extent they cooperate.



GDLF General Notice.

Randa Bishlawi

09/04/2002 10:31
AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Sending GN to you via inter-office mail

Hey Debbie,

Hope you're doing well.

I went ahead and signed off and am sending this on to you.

However, besides the changes sent on 8/30, I also noted that my phone number in the letter is wrong and my insert was missing a verb on page 2. So here is the newest version for you



to print off. GDLF General Notice.

Gary Development Landfill Site

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Gary Development Landfill Site
479 North Cline Avenue, Gary, Indiana
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. Specifically, U.S. EPA has determined that a total of twenty-nine drums, five above ground storage tanks, and assorted small containers are in and around the four buildings at the above-referenced facility. Many of the drums are in poor condition or leaking. Sampling of the contents indicates the presence of hazardous substances in many of these drums and containers, including flammable hazardous substances.

U.S. EPA is planning on taking a time-critical removal action to address these drums, containers and tanks. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties.

Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the

hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to take the following actions to mitigate threats posed by the presence of deteriorating drums and containers of hazardous substances or pollutants or contaminants at and near the four buildings at the Gary Development Landfill Site:

1. Develop and implement a Site-specific Work Plan.
2. Develop and implement a Site-specific Health and Safety Plan.
3. Secure and contain all hazardous substances on-site.
4. Decontaminate field and personal equipment.
5. Stabilize and dispose of off-site all hazardous substances, pollutants, contaminants from drums and containers removed off-site pursuant to this removal action for treatment, storage, or disposal at an U.S. EPA-approved disposal facility in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

U.S. EPA has received information that you may have operated or owned the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

Debbie Regel

08/29/2002 03:53
PM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Gary Development GN

Oops. I made one little goof. I put "Jr." after Lawrence Hagen's name on the notice letter. I realized it should be to "Sr." So I've fixed it and put it back in the inter-office mail.



GDLF General Notice.

Debbie Regel

08/29/2002 03:40
PM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Gary Development

I finally, finally got the general notice letter into sign-off. To save time, I'll write 104(e) letters later. For now, since it was already so late, I just did the notice.

I've sent it up to you by inter-office mail this afternoon (too tired to make it up to ORC!). Anita's voice mail message says she is out until 9/5, so she can sign off after you. I copied all the work to be performed from the only draft Action Memo I have - so if anything needs to be changed, please let me know.


I'll be out until 9/4. Hope you both have a good holiday.



GDLF General Notice.

Debbie Regel


02/26/2003 11:04 AM

To: Randa Bishlawi/R5/USEPA/US
Subject: Re: Gary Development Landfill Site 

Excellent. I know I was getting a little carried away with all those questions - but I wanted to be sure I had asked everything you wanted. I'm sure the cutting back will help it! I'll get this into sign-off. :)
Randa Bishlawi

Randa Bishlawi

02/26/2003 11:01 AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Re: Gary Development Landfill Site 

The letter looked great! I made a few changes, added certain questions and deleted a couple of others since the number of questions was getting unwieldy. I thought we should give them 45 days since this is historical info (assuming they will answer) and I get tired of being asked for extensions the minute they receive the 104(e).

If i cut too much, add back as you feel appropriate.



GDLF 104(e).w

Debbie Regel

02/21/2003 01:50 PM

To: Randa Bishlawi

Subject: Gary Development Landfill Site

See? I didn't forget. But I AM sorry this took me so long to finish.

Please let me know what you think, and then I can put it into sign-off.



GDLF 104(e).wpd

From: Debbie Regel on 05/27/2003 01:43 PM

To: Randa Bishlawi/R5/USEPA/US@EPA

cc:

While You Were Out

Contact:

Richard Van Rheenen

of:

Bose, McKinney & Evans

Phone:

FAX:

317-684-5349

- | | |
|--|--|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> Will Return |
| <input type="checkbox"/> Please Call | <input type="checkbox"/> Left Package |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Returned Call | <input type="checkbox"/> Urgent |
| <input type="checkbox"/> Was In | |

Message:

Re: Gary Development Landfill Site
11:45 am

Mr. Van Rheenen asked for a 30 day extension in order to respond to the 3/24/03 104(e) letters.
The extension was granted and the response is now due on July 1, 2003 (Tuesday).

From: Debbie Regel on 05/07/2003 03:50 PM

To: Randa Bishlawi/R5/USEPA/US@EPA

cc:

While You Were Out

Contact:

Richard Van Rheenen

of:

Bose, McKinney & Evans

Phone: **FAX:**

317-684-5349

- | | |
|--|--|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> Will Return |
| <input type="checkbox"/> Please Call | <input type="checkbox"/> Left Package |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Returned Call | <input type="checkbox"/> Urgent |
| <input type="checkbox"/> Was In | |

Message:

He is preparing a response to the three 3/24/03 104(e) letters (for William Nanini/Lawrence Hagen Sr./Lawrence Hagen Jr.) Mr. Van Rheenen was calling to check on the due date = May 29, 2003.



Debbie Regel

06/14/2002 02:07
PM

To: Anita Boseman/R5/USEPA/US
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: GDLF Action Memo

I have a "To Do" item in my queue that I eventually need to write the enforcement addendum for the Action Memo. Are you writing the Action Memo yet? Please give me a week (or more) notice if you can, so I don't have to do the addendum in a rush.

Thanks. :)

Reginald Arkell

07/19/2002 02:25
PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Gary Development Landfill - Additional Information on Lawrence H. Hagen, Jr.

I obtained some additional information on Lawrence H. Hagen, Jr. from viewing the bankruptcy file (case no. 95-08364). Again, he filed for Chapter 7 bankruptcy in the U.S. District Court for the Northern District of Illinois on April 27, 1995, listing an income of \$1,800.00 monthly, liabilities of \$20,300.00 and assets of \$4,450.00. The case was discharged on August 10, 1995.

- He had worked for Gary Development Co. for 18 years and was an equipment operator there. He reported the following income: \$10,800.00 for 1995, \$36,000.00 for 1994, and \$32,000.00 for 1993.
- His assets of \$4,450.00 consisted of a 1986 Ford Escort valued at \$300.00, a 1987 motorcycle valued at \$4,000.00 and \$150.00 in miscellaneous goods and household furnishings.
- He reported monthly net income of \$1,800.00 and expenses of \$1,800.00. \$600 of the expenses appeared to be for rent at 356 Waverly, Park Forest, IL 60466.
- He reported his marital status as divorced with joint custody of a 12 year old dependent child.
- He did not appear to own any property.
- He had recently closed a checking account at United Bank of Crete.
- He agreed to make installment payments to Kofkin, Feld and Korrub to pay \$1,200.00 in legal fees plus \$160.00 in court costs advanced.


I found a divorce file in Cook County, case no. 91-D6-630132, Mary E. Hagen v. Lawrence H. Hagen, Jr. filed May 22, 1991, with a Judgement for Dissolution of Marriage on May 29, 1991.

- Parties were married in Saul Village, Illinois on September 22, 1979.
- Parties have joint custody, with Mary Hagen as the primary caregiver, of one child by the name of Joshua M. Hagen, born June 12, 1983. The parties each claim the child as a tax deduction in alternating years. Lawrence H. Hagen, Jr. pays \$100.00 a week in child support. He was also to keep \$25,000.00 in life insurance with the petitioner as beneficiary for Joshua's benefit.
- Mary Hagen assigned to Lawrence H. Hagen, Jr., her interest as contract purchaser of a contract to buy a house at 21605 Clyde, Saul Village, Illinois. The respondent is to be responsible to pay the contract payments to the V.A. and all other related expenses. This property was sold by him as previously reported.
- Mary Hagen is awarded the 1988 Ford and is to make payments for it. Lawrence H. Hagen, Jr. is awarded the Chevrolet truck and is to make payments for it.
- Lawrence H. Hagen, Jr. is awarded other personal property including retirement benefits that is in his name or his possession. He is responsible for bills in his name.
- Mary E. Hagen is now known by her maiden name of Mary E. Langlois and appears to reside at 301 Tioga Street, Park Forest, IL 60466, (708) 503-4086.

Reginald Arkell, Civil Investigator
U.S. EPA
OCEFT, LCRMD
77 W. Jackson Blvd. (C114J)
Chicago, IL 60604
phone: (312) 886-7161
fax: (312) 886-0747

Reginald Arkell

09/17/2002 08:08 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Re: Gary Development GN 

I approached Lawrence Hagen, Jr. at 7221 Harrison Avenue, Hammond, Indiana 46324, yesterday afternoon. He stated that he was a heavy equipment operator for Gary Development/Rock Road for about 19 years. He clarified this by saying he pushed the garbage around. He said that the two companies were one in the same. They went out of business several years ago because the landfill was almost full and because EPA was after them. He claimed to not know anything about the company or who owned it. Although, he did say the owner was Bill Nanini who lived in Arizona and is probably deceased now. I asked him about Lawrence Hagen, Sr. who he confirmed was his father. He was vague about his fathers role in the company and referred to him as some type of supervisor. His father is now retired in Florida. He said the company had about 15-16 employees but he would not name any of them. He said the Site was a non-hazardous waste landfill. I explained to Hagen that IDEM files showed alot of hazardous wastes were accepted and we were trying to get more information about that. He would not provide information about generators, transporters or Site operations. Hagen couldn't seem to understand why we wanted to talk to him even after I explained it to him several times. Overall, he was vague and evasive. I'm sure he has alot of good information but he would not answer any other questions without talking to an attorney first. My feeling is we're not going to get anything out of this guy without some leverage.

Reginald Arkell, Civil Investigator
U.S. EPA
OCEFT, LCRMD
77 W. Jackson Blvd. (CI14J)
Chicago, IL 60604
phone: (312) 886-7161
fax: (312) 886-0747

Reginald Arkell

07/15/2002 03:21
PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Gary Development Landfill - Investigative Status

Randa:

Research of public records found the information below. I incorporated some data I believe Debbie found for you. Let me know your thoughts for followup. Thanks.

GARY DEVELOPMENT CO., INC.

- According to Pima County Arizona Court records there is a probate file (Case no. P4746), dated June 21, 1978, for Sam Nanini. Sam Nanini was on the Board of Directors for Gary Development Co., Inc. according to Indiana Secretary of State corporate records. He was born on April 26, 1889 and died June 1978 according to a Social Security Administration death record.
- William C. Childs, who was also on the Board of Directors for Gary Development Co., Inc., was born April 17, 1916 and died March 27, 1997 according to a Social Security Administration death record.
- Richard L. Nanni, who was also on the Board of Directors for Gary Development, Co. Inc., resides at 740 Hickory Drive, Geneseo, IL 61254, (309) 944-6663.
- Jerold Lupori, who was also on the Board of Directors for Gary Development Co., Inc., resides at 878 Oak Hill Road, Barrington, IL 60010, (847) 382-6344.
- Louis E. Giannetti, who was also on the Board of Directors for Gary Development Co., Inc., resides/has an office at 200 Thames Parkway, Apt. 2A, Park Ridge, IL 60068, (847) 692-7577 & 692-0089 and 825 Pratt Boulevard, Elk Grove Village, IL 60007, (847) 439-1025.
- William J. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 645 S. Ringold, Janesville, WI 53545, (608) 752-1549.
- Donald P. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 703 St. Lawrence, Janesville, WI 53545, (608) 754-6565.

WILLIAM M. NANINI

- William M. Nanini is the owner of a residence at 8310 N. Rose Marie Lane, Tucson, AZ 85742, non-published telephone listing. He purchased it on May 29, 1992 for \$262,990.00 and obtained a mortgage for \$202,300.00. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$766,733.00. He has refinanced and obtained other loans on the property over the years including November 2001, when he appeared to obtain an adjustable rate \$350,000.00 mortgage at 6.69%, due December 1, 2031, from Washington Mutual Bank. William M. Nanini appears to be the trustee/conservator of the William M. Nanini Revocable Trust.
- On December 16, 1998, William M. Nanini and Toni Roberts sold a residence located at 195 Oakwood Lane, Boulder Creek, CA 95006 to Maureen A. Lane for \$372,500.00.

- Pima County Arizona court records show the following for William Nanini: he appears to have married Virginia C. Chartier [623 5th Street, Jacksboro, TX 76458, (940) 575-0689] on May 17, 1991 and divorced her on March 28, 1995 [Case no. D103943]; and he appears to have divorced Rosemary P. Nanini aka Kelly [90 Biltmore Estates Drive, Phoenix, AZ 85016, (602) 957-9004] on May 1, 1991 [Case no. D71180].
- In June 1989, First Interstate Bank of Arizona filed a \$20 million lawsuit in Maricopa County against William Nanini, his wife, Rosemary Nanini, his son, Steven Nanini, and Rock Road Construction Company [Case no. CV89-15323] regarding default of a loan to improve the Tucson National Resort and Spa which they owned. Tucson National Resort and Spa reportedly filed for reorganization on April 7, 1989 under Chapter 11 of federal bankruptcy laws. Some additional details of the bankruptcy are in John Luksis' financial analysis report, dated February 11, 1997.

STEVEN L. NANINI

- Nanini Northwest, Inc., an active Arizona corporation, 2120 W. Ina Road, Suite 200, Tucson, AZ 85741, (520) 297-1178 is a commercial development company specializing in projects such as themed entertainment parks. Steven Nanini was the registered agent and appears to be the contact person. An Arizona Secretary of State (ASOS), Uniform Commercial Code record (UCC) shows an April 23, 1996 filing with Nanini Northwest, Inc. and Steven Nanini as the debtors and William M. Nanini as the secured party.
- La Cholla Investments, LLC has an address at the same location, 2120 W. Ina Road, Suite 200, and appears to be an active Arizona LLC. Steven Nanini is affiliated with Nanini Investments, Limited Partnership which is also linked to this address. Other companies registered with the ASOS listing the same address and suite and/or Steven Nanini as the registered agent are Oracle Place Interior Design, Inc., The Tucson National Golf Club, The Tucson National Concours D'Elegance, Inc. These other companies are not active according to the ASOS.
- On November 5, 1993, Steven L. Nanini sold a residence at 7770 N. Via Piccolina, Tucson, AZ 85741 for \$180,000.00.
- Steven L. Nanini is the owner of a parcel of property at 2360 Magee Road, Tucson, AZ 85742. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$50,000.00. He paid \$48,000.00 for the property on May 30, 1986.
- Steven L. Nanini is the owner of a parcel of property at 7777 N. Via Bellini, Tucson, AZ 85741. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$297,300.00. He appeared to pay \$265,000.00 for the property on July 3, 1980. His most recent mortgage, dated September 10, 2001, is from Washington Mutual Bank in the amount of \$406,000.00 at 7.39% (adjustable rate) and is due October 1, 2031. Steven L. Nanini appears to be the trustee/conservator of the Steven L. Nanini Revocable Trust.
- According to Pima County Court records there are numerous other civil cases involving William Nanini, Steven Nanini, Nanini Northwest, and Nanini Investments.

LAWRENCE H. HAGEN

- Lawrence H. Hagen, DOB: 08/10/35, 1648 Jupiter Cove Drive, Jupiter, FL 33469, has Florida drivers license no. H250528352900, expiring 08/10/06 (previous drivers license was in Michigan). Janice King Hagen, DOB: 09/09/47, 1648 Jupiter Cove Drive, #510B, Jupiter, FL 33469, has Florida drivers license no. H250431478290, expiring 09/09/06 (previous drivers license was in Indiana). They have a telephone number of (561) 746-5935.
- An *Affidavit Manifesting and Evidencing Domicile in Florida*, filed by Lawrence H. Hagen in Palm Beach County, Florida, dated April 29, 1993, states that he resides at 1648 Jupiter, #510B, Jupiter, FL 33469, but has a part time residence in Middleville, Michigan.
- LH & JH Limited, 1648 Jupiter Cove Drive, Apt 510B, Jupiter, FL 33469, is an active Florida domestic limited partnership with ID no. A93000000460, FEIN no. 650405649, and a filing date of 05/04/93. Lawrence H. Hagen is listed as the registered agent and officer.
- Hagen, LLC is an active Michigan domestic limited liability company with ID no. B1808D and a filing date of 11/13/01. Lawrence H. Hagen, 2980 Beatrice, Middleville, MI 49333, is listed as the registered agent.
- G.L.D. Liquid Disposal, Inc., is an active Illinois corporation with ID no. 51596439 and a filing date of 11/09/78. Lawrence Hagen is listed as the president and secretary at the Jupiter address.
- G.L.D. Liquid Disposal, Inc., ID no. 197912-343, was incorporated in Indiana on December 12, 1979 and revoked on July 31, 1989. The president and secretary are listed as Lawrence Hagen and Kim Hagen, respectively, with an address of 22915 Sherman, Chicago Heights, IL.
- LH & JH Limited Family Partnership, 1648 Jupiter Cove Drive, Apt 510, Jupiter, FL 33469, are the registered owners of the following vessels: 1988 Manitou, 24' boat; 1994 Mariah, 20' boat; 2001 LHR01, 35' boat. Lawrence and Janice Hagen, 2980 Beatrice Avenue, Middleville, IL 49333, are the registered owners of a 1996 Polaris, 10' boat.
- LH & JH FLLP, 1648 Jupiter Cove Drive, Apt 510, Jupiter, FL 33469 is the registered owner of the following vehicles:
 - 2002 Mercedes Benz, C320 (MSRP \$36,950.00);
 - 1979 Datsun 280 ZX (\$5,000.00 Nada Guide average retail value);
 - 1995 Chevrolet Cavalier (\$3,375.00 Nada Guide average retail value)

GLD Liquid Disposal, same address, is the registered owner of a 1994 Cadillac, Brougham, Fleetwood (\$10,225.00 Nada Guide average retail value).

GLD Liquid Disposal, 2980 Beatrice Avenue, Middleville, MI 33300, is the registered owner of a 1997 Chevrolet Suburban (\$10,300.00 Nada Guide average retail value).

Larry H. Hagen, same address, is the registered owner of a 1982 Chevrolet C10.

- LH & JH LLC is the taxpayer for the following properties:
 - a single family residence at 2980 Beatrice Avenue, Middleville, MI 49333, (616) 795-9362. According to the Barry County Equalization Office, the estimated fair market value for 2002 is \$391,600.00. The existence of any mortgage is unknown.
 - a single family residence at 1182 Lynn Drive, Middleville Drive, MI 49333. According to the Barry County Equalization Office, the estimated fair market value for 2002 is \$76,300.00. The existence of any mortgage is unknown.

- commercial property at 745 Main Street, Plainwell, MI 49080. According to the Allegan County Equalization Office, the 2002 estimated fair market value is \$171,600.00. According to the Allegan County Register of Deeds, Lawrence and Janice Hagen purchased the property in December 2000 and transferred it to the LH & JH, LLC on 11/20/01. The State of Michigan appears to have a tax lien on the property in the amount of \$33,000.00, dated 02/27/98, and a tax lien in the amount of \$4,600.00, dated September 13, 1999.

- a condominium at 1648 Jupiter Cove Drive, Unit 510B, Jupiter, FL 33469, which they appeared to purchase in December 1989 for \$113,333.00. There does not appear to be a mortgage or other liens for the property. According to the Palm Beach County Property Appraiser, the estimated fair market value for 2001 is \$123,600.00.

- Lawrence H. Hagen, 2980 Beatrice, Middleville, Michigan 49333, is the debtor for \$13,429.00 in a Hennepin County District Court civil judgement entered October 28, 1999. The creditor is Polaris Industries, Inc. An inquiry with the court found that the judgement is not satisfied.
- According to Lake County Circuit Court records, *Lawrence Hagen v. Judith B. Hagen* (case no. 087-4710), Lawrence Hagen and Judith B. Hagen were married on October 27, 1957, separated about August 1, 1980, and divorced on December 11, 1987. They had three children: Lawrence Hagen, Jr., Kim Maureen Winant, and Lisa Reynolds. According to a Property Settlement Agreement, dated December 10, 1987:
 - The wife is to convey her interest in property at 1182 Lynn Avenue, Middleville, MI 49333, and the property and garage across from said property to the husband.
 - The husband is awarded the 1979 Datsun 280ZX automobile.
 - **The husband is awarded all of the stock of Gary Development, Inc.** and G.L.D. Liquid Disposal. The husband is awarded the pension at G.L.D. Liquid Disposal Plan and Trust. The husband is to make the wife beneficiary of the insurance policy with Massachusetts General Life Insurance Company, policy no. IOULD03601, and the wife, upon receiving the insurance fund is required to provide an educational fund for each of the grandchildren in the sum of \$25,000.00.
 - The husband is to pay the wife \$500.00 per month for a two year period. If the husband is still employed by the Gary Development Company, Inc. at the end of this two years, he is to pay wife \$500.00 per month for an additional period not to exceed a total of ten years.
 - The wife is to receive as her sole and separate property the real estate at 22915 Sherman Road, Chicago Heights and 102-4 West 15th Street, Chicago Heights. The husband is to pay the mortgage on the Sherman Road property to First National Bank of Dolton.

LAWRENCE H. HAGEN, JR.

- A Choice Point report shows Lawrence H. Hagen, Jr., DOB: 06/23/57, SS#333-58-4222, with an address of 7221 Harrison Avenue, Hammond, IN 46324 as recent as June 2002. Larry H. Hagen, Jr. has a non-published telephone listing in Hammond, IN according to directory assistance. He has used numerous other addresses in recent years.

- Lawrence H. Hagen, Jr, SS#333-58-4222, 356 Waverly, Park Forest, IL 60466 [single family residence], filed for Chapter 7 bankruptcy in the U.S. District Court for the Northern District of Illinois on April 27, 1995, listing an income of \$1,800.00 monthly, liabilities of \$20,300.00 and assets of \$4,450.00. The case was discharged on August 10, 1995. I will be reviewing this file on July 19, 2002 at the National Archives and Records Administration.
- Research of Lake County Circuit Court records found the following for Lawrence Hagen, Jr.:
 - Case no. 45D09-0104-IF-02729, Lawrence H. Hagen, Jr., 7221 Harrison, Hammond, IN 46320, was issued a ticket for a seat belt violation by the Munster, Indiana Police on April 6, 2001 while driving a 1988 Oldsmobile 88 with IN/96K2477.
 - Case no. 45D07-9905-CM-06007, 07589; DF-6513, IF-6600, Lawrence H. Hagen, Jr. was charged on February 25, 1999, with leaving the scene of an accident and driving on a suspended license, while driving a Ford Taurus with IL/JBR575.
 - Case nos. 45G02-9907-CF-00129, Lawrence H. Hagen, Jr. was charged on May 31, 1999, with possession of cocaine, driving on a suspended license, and possession of an unregistered handgun while driving a 1987 Ford van, with IN/96KZ147, registered to Sonia C. Ingle (DOB: 12/10/71, SS#159-56-1662) who was also with him in the vehicle.
 - On or about July 21, 1999, he appeared to plead guilty to possession of cocaine and received one year in the Lake County Jail, a \$500.00 fine, and one year probation. Charges of leaving the scene of an accident and driving with a suspended license were dismissed. His driving privileges appear to have been reinstated by the State of Indiana.
 - A Probation Office report, dated July 10, 1999, showed him with an address of 7349 Harrison, Hammond, Indiana 46327, a telephone number of (219) 937-2406, and an employer of Wiggles Gentlemens Club, 3020 E. Dunes Highway, Gary, Indiana. He appeared to be discharged satisfactorily from probation on August 22, 2000. He had an attorney by the name of Douglas G. Amber, 9250 Columbia Avenue, Suite E-2, Munster, Indiana 46321, (219) 836-8530.
- Lawrence H. Hagen, Jr, 26636 S. 80th Avenue, Monee, IL 60449 was the debtor in the amount of \$1,000.00 in Will County case no. 94LM12805. The creditor was Marjorie Flint.
- Lawrence H. Hagen, Jr. sold property at 21605 Clyde Street, Sauk Village, IL 60411 on July 17, 1991 to George L. Schmal, Jr. and Beverly Walsh.
- Lawrence N. Hagen, 356 Waverly Street, Park Forest, IL 60466 was the registered owner of a 1992 Ford Taurus, IL/JBR575, expiring on February 28, 1999.
- Lawrence Hagen, 14351, Irving Avenue, Dolton, IL 60419 (apt. bldg.) is the registered owner of a 1986 Eagle outboard 20' boat, IL/8500Gr, expiring 2001.

Reginald Arkell, Civil Investigator
 U.S. EPA
 OCEFT, LCRMD
 77 W. Jackson Blvd. (CI14J)
 Chicago, IL 60604
 phone: (312) 886-7161
 fax: (312) 886-0747

Reginald Arkell

07/11/2002 12:07
PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill

I have just been informed by the IN SOS that they apparently had the articles of dissolution at one time but they cannot locate them, i.e. they're lost!

Reginald Arkell, Civil Investigator
U.S. EPA
OCEFT, LCRMD
77 W. Jackson Blvd. (CI14J)
Chicago, IL 60604
phone: (312) 886-7161
fax: (312) 886-0747

----- Forwarded by Reginald Arkell/R5/USEPA/US on 07/11/02 12:02 PM -----

Reginald Arkell

07/11/02 09:45 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
Subject: Re: Gary Development Landfill 

Yes, I noticed that too. I had specifically asked that the dissolution papers be included. I just spoke with the IN SOS and a supervisor is supposed to get back with me so, hopefully, they can be sent out today.

Randa Bishlawi

Randa Bishlawi

07/11/02 09:24 AM

To: Reginald Arkell/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
Subject: Gary Development Landfill

Hi Reg, I got the Indiana materials on Gary Development Company from the Indiana Secty of State. I'll send a cpy to Debbie. Thanks for obtaining that. I was surprised though that we didn't get any papers re dissolution. At some point, Debbie found me some internet info from the Indiana Secty of State that stated that the company was voluntarily dissolved on 4/7/98. Could you see if we can get a copy of the original dissolution documents? Thanks so much.



Debbie Regel

05/07/2002 01:01 PM

To: Penny Boyle/R5/USEPA/US@EPA

CC:

Subject: Re: D&B Request - GDLF

If it's not too much trouble, I'll take the copies. Interoffice would be great. I'm thinking that the report on Broadway may have been the same company at another address. At any rate, thanks for all your work and for staying on top of this request. :) *D+B's are not for correct business.*
Penny Boyle



Penny Boyle

05/07/2002 11:29 AM

To: Debbie Regel/R5/USEPA/US@EPA

CC:

Subject: Re: D&B Request - GDLF

Forgot to ask, do you want the copies? If you do let me know if you want to pick them up or send them interoffice mail.

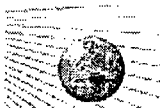
D&B sent the update on Gary Development Corp., that you said you didn't need. I requested an investigation for the address on Cline and got a report on 487 Broadway. I'm perplexed. Do Broadway and Cline intersect? Attached is a list of the companies in D&B complete database on Cline Ave. None are close.



Cline ave gary.w

Penny Boyle, contractor (ASRC Aerospace Corporation)
US EPA Region 5 Library (PL-12J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

phone: 312-353-2022
fax: 312-353-2001
e-mail: boyle.penny@epa.gov
Debbie Regel



Debbie Regel

04/26/02 04:19 PM

To: Penny Boyle/R5/USEPA/US@EPA

CC:

Subject: Re: D&B Request - GDLF

Thanks for being so quick - BUT this is not the right company. Gary Development Co., Inc. was located at 479 N. Cline Avenue, Gary. Sorry I neglected to give you the address.

Penny Boyle



Penny Boyle

04/26/2002 03:29 PM

To: Debbie Regel/R5/USEPA/US@EPA

CC:

Subject: Re: D&B Request - GDLF

An update has been ordered.



gary development old.

Penny Boyle, contractor (ASRC Aerospace Corporation)
US EPA Region 5 Library (PL-12J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

phone: 312-353-2022
fax: 312-353-2001
e-mail: boyle.penny@epa.gov
Debbie Regel



Debbie Regel

04/26/02 01:51 PM

To: Penny Boyle/R5/USEPA/US@EPA

cc:

Subject: D&B Request - GDLF

If you are still running D&B reports, I need one for the Gary Development Landfill Site in Gary, IN.

The name of the business is Gary Development Company, Inc. The company may have incorporated in Arizona.

Thanks!

Use Browser Print Button to Print. You can return to the search results by clicking [here](#)

Bankruptcies, Liens & Judgments - Western Region
Data Available From 00/00/0000 Through 00/00/0000

Date: 4/26/2002

Time: 2:40 PM

Reference: Gary Dev LF

Requestor:

Search Criteria: GARY DEVELOPMENT CO

No records found.

Use Browser Print Button to Print. You can return to the search results by clicking [here](#)

Dun & Bradstreet

Business Information ReportTM

Page 1 of 1

For: Debbie Regel
Environmental Protection Agenc

May 4, 2002
5:15 am

BUSINESS SUMMARY

CITY OF GARY ECONOMIC DEV
CITY OF GARY ECONOMIC
DEVELOPMENT CORPOR

SPECIAL RESPONSE

DUNS 09-401-6206

not correct business.

487 BROADWAY #203
GARY IN 46402
TEL: 219 886-2420

Business is reported as see attached report.

Reporter: Raylee Novak

05-04(3H9 /956)

065123007

002065065

-- END OF REPORT --

Dun & Bradstreet

Business Information ReportTM

*** REVIEW IN PROCESS. LATER REPORT WILL BE FORWARDED. ***

Page 1 of 3

For: Debbie Regel
Environmental Protection Agenc

May 4, 2002
5:16 am

BUSINESS SUMMARY

CITY OF GARY ECONOMIC DEV
CITY OF GARY ECONOMIC
DEVELOPMENT CORPOR

DUNS: 09-401-6206

RATING

DS

EMPLOYS

UNDETERMINED

SIC NO.

8999

487 BROADWAY #203

GARY IN 46402

TEL: 219 886-2420

RECORD TYPE: DUNS SUPPORT

THE "DS" INDICATOR ASSIGNED TO THIS BUSINESS MEANS THAT THE LIMITED INFORMATION CURRENTLY IN THE D&B FILE DOES NOT ALLOW US TO CLASSIFY IT WITHIN OUR RATING SYSTEM.

WE ARE PROVIDING THIS INFORMATION TO YOU IMMEDIATELY IN THE INTEREST OF SPEED. BECAUSE MANAGEMENT MAY HAVE NOT BEEN INTERVIEWED, THIS INFORMATION SHOULD NOT BE CONSIDERED A STATEMENT OF EXISTING FACTS. WE ARE CURRENTLY INVESTIGATING FURTHER, AND AN UPDATED REPORT WILL BE SENT TO YOU SHORTLY.

CUSTOMER SERVICE

If you have questions about this report, please call our Customer Resource Center at 1-800-234-3867 from anywhere within the U.S. If you are outside the U.S., contact your local D&B office.

*** Additional Decision Support Available ***

Additional D&B products, monitoring services and specialized investigations are available to help you evaluate this company or its industry. Call Dun & Bradstreet's Customer Resource Center at 1-800-234-3867 from anywhere within the U.S. or visit our website at www.dnb.com.

SUMMARY ANALYSIS

RATING SUMMARY

A Summary Analysis is not available at this time.

For: Debbie Regel
Environmental Protection Agenc

May 4, 2002
5:16 am

PAYMENT SUMMARY

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

The PAYDEX for this company is 71.

This PAYDEX score indicates that payments to suppliers average 14 days beyond terms, weighted by dollar amounts. When dollar amounts are not considered, approximately 57% of the company's payments are within terms.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	TOTAL RCV'D	TOTAL DOLLAR AMOUNTS	LARGEST HIGH CREDIT	% W/IN TERMS	DAYS SLOW			
	#	\$	\$	%	<31	31-60	61-90	91+
Total in D&B's file	4	3,300	2,500					
Payment By Industry:								
1 Short-trm busn credit	1	2,500	2,500	100	-	-	-	-
2 Custom programming	1	500	500	-	-	50	-	50
3 Ret mail-order house	1	250	250	50	-	50	-	-
4 Telephone communictns	1	50	50	100	-	-	-	-

Other Payment Categories:

Cash experiences	0	0	0
Payment record unknown	0	0	0
Unfavorable comments	0	0	0
Placed for collection			
with D&B	0	0	
other	0	N/A	

The highest "Now Owes" on file is \$2,500

The highest "Past Due" on file is \$500

D&B receives over 315 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received.

D&B Business Information Report CITY OF GARY ECONOMIC DEV

Page 3 of 3

For: Debbie Regel
Environmental Protection Agenc

May 4, 2002
5:16 am

PAYMENTS

Antic - Anticipated (Payments received prior to date of invoice)
Disc - Discounted (Payments received within trade discount period)
Ppt - Prompt (Payments received within terms granted)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
03/02	Ppt	2500	2500	-0-		1 Mo
	Ppt	50	-0-	-0-		2-3 Mos
	Ppt-Slow 60	250	250	250	N30	1 Mo
	Slow 60-120	500	500	500		4-5 Mos

EMPLOYEES: UNDETERMINED.

FACILITIES: Occupies premises in building.

THE INFORMATION IN THE "PAYMENTS", "PUBLIC FILINGS" AND OTHER SECTIONS, WHEN PRESENT, MAY NOT RELATE TO THIS BUSINESS DUE TO POSSIBLE CHANGES IN OWNERSHIP, CONTROL, OR LEGAL STATUS SINCE THE DATA WAS COLLECTED.

05-04(1PY /001)

002184184

IMPORTANT ANNOUNCEMENT FOR CUSTOMERS ORDERING INVESTIGATIONS

Now there is even more reason to select FAX as your delivery option when ordering investigations on domestic companies from D&B. Beginning the week of February 19th, D&B will increase the number of times per day that completed investigations (both standard and priority) are faxed to customers. This means that you can receive information from your investigation requests more quickly... in some instances more than 12 hours sooner... at no additional cost.

-- END OF REPORT --

Dun & Bradstreet

Business Information ReportTM

Page 1 of 3

For: Debbie Regel
Environmental Protection Agenc

May 1, 2002
5:39 am

BUSINESS SUMMARY

GARY, CITY OF
+ECONOMIC DEVELOPMENT

475 BROADWAY
GARY IN 46402
TEL: 219 883-9691

DUNS: 80-062-6582

RATING

BRANCH

BUSINESS
CONSULTING, NEC
SIC NO.
8748

EMPLOYS

UNDETERMINED

BRANCH MANAGER: UNKNOWN

CUSTOMER SERVICE

If you have questions about this report, please call our Customer Resource Center at 1-800-234-3867 from anywhere within the U.S. If you are outside the U.S., contact your local D&B office.

*** Additional Decision Support Available ***

Additional D&B products, monitoring services and specialized investigations are available to help you evaluate this company or its industry. Call Dun & Bradstreet's Customer Resource Center at 1-800-234-3867 from anywhere within the U.S. or visit our website at www.dnb.com.

SUMMARY ANALYSIS

RATING SUMMARY

The term "BRANCH" in the Rating field indicates that this company is a branch location. D&B Ratings do not appear on branch reports.

D&B Business Information Report *GARY, CITY OF*

Page 2 of 3

For: Debbie Regel
Environmental Protection Agency

May 1, 2002
5:39 am

PAYMENT SUMMARY

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

D&B has not received a sufficient sample of payment experiences to establish a PAYDEX score.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	TOTAL RCV'D	TOTAL DOLLAR AMOUNTS	LARGEST HIGH CREDIT	% W/IN TERMS	DAYS SLOW			
	#	\$	\$	%	<31	31-60	61-90	91+

Total in D&B's file	2	500	250					
---------------------	---	-----	-----	--	--	--	--	--

Payment By Industry:

1 Short-term busn credit	1	250	250	100	-	-	-	-
2 Nonclassified	1	250	250	100	-	-	-	-

Other Payment Categories:

Cash experiences	0	0	0					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collection								
with D&B	0	0						
other	0	N/A						

The highest "Now Owes" on file is \$100

The highest "Past Due" on file is \$ 0

The payment experiences in this report relate specifically to this branch location. Please refer to the headquarters report if you would like consolidated trade information for the headquarters and its branches.

PAYMENTS

Antic - Anticipated (Payments received prior to date of invoice)

D&B Business Information Report *GARY, CITY OF*

Page 3 of 3

For: Debbie Regel
Environmental Protection AgencMay 1, 2002
5:39 am**PAYMENTS (continued)**Disc - Discounted (Payments received within trade discount period)
Ppt - Prompt (Payments received within terms granted)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
03/02	Ppt	250	-0-	-0-		1 Mo
12/01	Ppt	250	100	-0-		1 Mo

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported. Amounts may be rounded to nearest figure in prescribed ranges.

OPERATION

04/30/02 This is a branch: headquarters are located at 401 Broadway Ste 100, Gary, IN. Headquarters D-U-N-S 06-746-9437. This branch operates as a dept of the city.
05-01(7G7 /110) 002040040

IMPORTANT ANNOUNCEMENT FOR CUSTOMERS ORDERING INVESTIGATIONS

Now there is even more reason to select FAX as your delivery option when ordering investigations on domestic companies from D&B. Beginning the week of February 19th, D&B will increase the number of times per day that completed investigations (both standard and priority) are faxed to customers. This means that you can receive information from your investigation requests more quickly... in some instances more than 12 hours sooner... at no additional cost.

-- END OF REPORT --

Reginald Arkell

07/15/2002 03:21
PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Gary Development Landfill - Investigative Status

Randa:

Research of public records found the information below. I incorporated some data I believe Debbie found for you. Let me know your thoughts for followup. Thanks.

GARY DEVELOPMENT CO., INC.

- According to Pima County Arizona Court records there is a probate file (Case no. P4746), dated June 21, 1978, for Sam Nanini. Sam Nanini was on the Board of Directors for Gary Development Co., Inc. according to Indiana Secretary of State corporate records. He was born on April 26, 1889 and died June 1978 according to a Social Security Administration death record.
- William C. Childs, who was also on the Board of Directors for Gary Development Co., Inc., was born April 17, 1916 and died March 27, 1997 according to a Social Security Administration death record.
- Richard L. Nanni, who was also on the Board of Directors for Gary Development, Co. Inc., resides at 740 Hickory Drive, Geneseo, IL 61254, (309) 944-6663.
- Jerold Lupori, who was also on the Board of Directors for Gary Development Co., Inc., resides at 878 Oak Hill Road, Barrington, IL 60010, (847) 382-6344.
- Louis E. Giannetti, who was also on the Board of Directors for Gary Development Co., Inc., resides/has an office at 200 Thames Parkway, Apt. 2A, Park Ridge, IL 60068, (847) 692-7577 & 692-0089 and 825 Pratt Boulevard, Elk Grove Village, IL 60007, (847) 439-1025.
- William J. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 645 S. Ringold, Janesville, WI 53545, (608) 752-1549.
- Donald P. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 703 St. Lawrence, Janesville, WI 53545, (608) 754-6565.

WILLIAM M. NANINI

- William M. Nanini is the owner of a residence at 8310 N. Rose Marie Lane, Tucson, AZ 85742, non-published telephone listing. He purchased it on May 29, 1992 for \$262,990.00 and obtained a mortgage for \$202,300.00. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$766,733.00. He has refinanced and obtained other loans on the property over the years including November 2001, when he appeared to obtain an adjustable rate \$350,000.00 mortgage at 6.69%, due December 1, 2031, from Washington Mutual Bank. William M. Nanini appears to be the trustee/conservator of the William M. Nanini Revocable Trust.
- On December 16, 1998, William M. Nanini and Toni Roberts sold a residence located at 195 Oakwood Lane, Boulder Creek, CA 95006 to Maureen A. Lane for \$372,500.00.

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Reginald Arkell

07/15/2002 03:21
PM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA
Subject: Gary Development Landfill - Investigative Status

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Reginald Arkell

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- Louis E. Giannetti, who was also on the Board of Directors for Gary Development Co., Inc., resides/has an office at 200 Thames Parkway, Apt. 2A, Park Ridge, IL 60068, (847) 692-7577 & 692-0089 and 825 Pratt Boulevard, Elk Grove Village, IL 60007, (847) 439-1025.
- William J. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 645 S. Ringold, Janesville, WI 53545, (608) 752-1549.
- Donald P. Ryan, who was also on the Board of Directors for Gary Development, Inc., resides at 703 St. Lawrence, Janesville, WI 53545, (608) 754-6565.

WILLIAM M. NANINI

- William M. Nanini is the owner of a residence at 8310 N. Rose Marie Lane, Tucson, AZ 85742, non-published telephone listing. He purchased it on May 29, 1992 for \$262,990.00 and obtained a mortgage for \$202,300.00. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$766,733.00. He has refinanced and obtained other loans on the property over the years including November 2001, when he appeared to obtain an adjustable rate \$350,000.00 mortgage at 6.69%, due December 1, 2031, from Washington Mutual Bank. William M. Nanini appears to be the trustee/conservator of the William M. Nanini Revocable Trust.
- On December 16, 1998, William M. Nanini and Toni Roberts sold a residence located at 195 Oakwood Lane, Boulder Creek, CA 95006 to Maureen A. Lane for \$372,500.00.

- Pima County Arizona court records show the following for William Nanini: he appears to have married Virginia C. Chartier [623 5th Street, Jacksboro, TX 76458, (940) 575-0689] on May 17, 1991 and divorced her on March 28, 1995 [Case no. D103943]; and he appears to have divorced Rosemary P. Nanini aka Kelly [90 Biltmore Estates Drive, Phoenix, AZ 85016, (602) 957-9004] on May 1, 1991 [Case no. D71180].
- In June 1989, First Interstate Bank of Arizona filed a \$20 million lawsuit in Maricopa County against William Nanini, his wife, Rosemary Nanini, his son, Steven Nanini, and Rock Road Construction Company [Case no. CV89-15323] regarding default of a loan to improve the Tucson National Resort and Spa which they owned. Tucson National Resort and Spa reportedly filed for reorganization on April 7, 1989 under Chapter 11 of federal bankruptcy laws. Some additional details of the bankruptcy are in John Luksis' financial analysis report, dated February 11, 1997.

STEVEN L. NANINI

- Nanini Northwest, Inc., an active Arizona corporation, 2120 W. Ina Road, Suite 200, Tucson, AZ 85741, (520) 297-1178 is a commercial development company specializing in projects such as themed entertainment parks. Steven Nanini was the registered agent and appears to be the contact person. An Arizona Secretary of State (ASOS), Uniform Commercial Code record (UCC) shows an April 23, 1996 filing with Nanini Northwest, Inc. and Steven Nanini as the debtors and William M. Nanini as the secured party.
- La Cholla Investments, LLC has an address at the same location, 2120 W. Ina Road, Suite 200, and appears to be an active Arizona LLC. Steven Nanini is affiliated with Nanini Investments, Limited Partnership which is also linked to this address. Other companies registered with the ASOS listing the same address and suite and/or Steven Nanini as the registered agent are Oracle Place Interior Design, Inc., The Tucson National Golf Club, The Tucson National Concours D'Elegance, Inc. These other companies are not active according to the ASOS.
- On November 5, 1993, Steven L. Nanini sold a residence at 7770 N. Via Piccolina, Tucson, AZ 85741 for \$180,000.00.
- Steven L. Nanini is the owner of a parcel of property at 2360 Magee Road, Tucson, AZ 85742. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$50,000.00. He paid \$48,000.00 for the property on May 30, 1986.
- Steven L. Nanini is the owner of a parcel of property at 7777 N. Via Bellini, Tucson, AZ 85741. According to the Pima County Assessor the estimated full cash value for the 2003 tax year is \$297,300.00. He appeared to pay \$265,000.00 for the property on July 3, 1980. His most recent mortgage, dated September 10, 2001, is from Washington Mutual Bank in the amount of \$406,000.00 at 7.39% (adjustable rate) and is due October 1, 2031. Steven L. Nanini appears to be the trustee/conservator of the Steven L. Nanini Revocable Trust.
- According to Pima County Court records there are numerous other civil cases involving William Nanini, Steven Nanini, Nanini Northwest, and Nanini Investments.

LAWRENCE H. HAGEN

- Lawrence H. Hagen, DOB: 08/10/35, 1648 Jupiter Cove Drive, Jupiter, FL 33469, has Florida drivers license no. H250528352900, expiring 08/10/06 (previous drivers license was in Michigan). Janice King Hagen, DOB: 09/09/47, 1648 Jupiter Cove Drive, #510B, Jupiter, FL 33469, has Florida drivers license no. H250431478290, expiring 09/09/06 (previous drivers license was in Indiana). They have a telephone number of (561) 746-5935.
 - *An Affidavit Manifesting and Evidencing Domicile in Florida*, filed by Lawrence H. Hagen in Palm Beach County, Florida, dated April 29, 1993, states that he resides at 1648 Jupiter, #510B, Jupiter, FL 33469, but has a part time residence in Middleville, Michigan.
 - LH & JH Limited, 1648 Jupiter Cove Drive, Apt 510B, Jupiter, FL 33469, is an active Florida domestic limited partnership with ID no. A93000000460, FEIN no. 650405649, and a filing date of 05/04/93. Lawrence H. Hagen is listed as the registered agent and officer.
 - Hagen, LLC is an active Michigan domestic limited liability company with ID no. B1808D and a filing date of 11/13/01. Lawrence H. Hagen, 2980 Beatrice, Middleville, MI 49333, is listed as the registered agent.
 - G.L.D. Liquid Disposal, Inc., is an active Illinois corporation with ID no. 51596439 and a filing date of 11/09/78. Lawrence Hagen is listed as the president and secretary at the Jupiter address.
 - G.L.D. Liquid Disposal, Inc., ID no. 197912-343, was incorporated in Indiana on December 12, 1979 and revoked on July 31, 1989. The president and secretary are listed as Lawrence Hagen and Kim Hagen, respectively, with an address of 22915 Sherman, Chicago Heights, IL.
 - LH & JH Limited Family Partnership, 1648 Jupiter Cove Drive, Apt 510, Jupiter, FL 33469, are the registered owners of the following vessels: 1988 Manitou, 24' boat; 1994 Mariah, 20' boat; 2001 LHR01, 35' boat. Lawrence and Janice Hagen, 2980 Beatrice Avenue, Middleville, IL 49333, are the registered owners of a 1996 Polaris, 10' boat.
 - LH & JH FLLP, 1648 Jupiter Cove Drive, Apt 510, Jupiter, FL 33469 is the registered owner of the following vehicles:
 - 2002 Mercedes Benz, C320 (MSRP \$36,950.00);
 - 1979 Datsun 280 ZX (\$5,000.00 Nada Guide average retail value);
 - 1995 Chevrolet Cavalier (\$3,375.00 Nada Guide average retail value)
- GLD Liquid Disposal, same address, is the registered owner of a 1994 Cadillac, Brougham, Fleetwood (\$10,225.00 Nada Guide average retail value).
- GLD Liquid Disposal, 2980 Beatrice Avenue, Middleville, MI 33300, is the registered owner of a 1997 Chevrolet Suburban (\$10,300.00 Nada Guide average retail value).
- Larry H. Hagen, same address, is the registered owner of a 1982 Chevrolet C10.
- LH & JH LLC is the taxpayer for the following properties:
 - a single family residence at 2980 Beatrice Avenue, Middleville, MI 49333, (616) 795-9362. According to the Barry County Equalization Office, the estimated fair market value for 2002 is \$391,600.00. The existence of any mortgage is unknown.
 - a single family residence at 1182 Lynn Drive, Middleville Drive, MI 49333. According to the Barry County Equalization Office, the estimated fair market value for 2002 is \$76,300.00. The existence of any mortgage is unknown.

- commercial property at 745 Main Street, Plainwell, MI 49080. According to the Allegan County Equalization Office, the 2002 estimated fair market value is \$171,600.00. According to the Allegan County Register of Deeds, Lawrence and Janice Hagen purchased the property in December 2000 and transferred it to the LH & JH, LLC on 11/20/01. The State of Michigan appears to have a tax lien on the property in the amount of \$33,000.00; dated 02/27/98, and a tax lien in the amount of \$4,600.00, dated September 13, 1999.

- a condominium at 1648 Jupiter Cove Drive, Unit 510B, Jupiter, FL 33469, which they appeared to purchase in December 1989 for \$113,333.00. There does not appear to be a mortgage or other liens for the property; According to the Palm Beach County Property Appraiser, the estimated fair market value for 2001 is \$123,600.00.

- Lawrence H. Hagen, 2980 Beatrice, Middleville, Michigan 49333, is the debtor for \$13,429.00 in a Hennepin County District Court civil judgement entered October 28, 1999. The creditor is Polaris Industries, Inc. An inquiry with the court found that the judgement is not satisfied.

- According to Lake County Circuit Court records, *Lawrence Hagen v. Judith B. Hagen* (case no. 087-4710), Lawrence Hagen and Judith B. Hagen were married on October 27, 1957, separated about August 1, 1980, and divorced on December 11, 1987. They had three children: Lawrence Hagen, Jr., Kim Maureen Winant, and Lisa Reynolds. According to a Property Settlement Agreement, dated December 10, 1987:

- The wife is to convey her interest in property at 1182 Lynn Avenue, Middleville, MI 49333, and the property and garage across from said property to the husband.

- The husband is awarded the 1979 Datsun 280ZX automobile.

- **The husband is awarded all of the stock of Gary Development, Inc.** and G.L.D. Liquid Disposal. The husband is awarded the pension at G.L.D. Liquid Disposal Plan and Trust. The husband is to make the wife beneficiary of the insurance policy with Massachusetts General Life Insurance Company, policy no. IOULD03601, and the wife, upon receiving the insurance fund is required to provide an educational fund for each of the grandchildren in the sum of \$25,000.00.

- The husband is to pay the wife \$500.00 per month for a two year period. If the husband is still employed by the Gary Development Company, Inc. at the end of this two years, he is to pay wife \$500.00 per month for an additional period not to exceed a total of ten years.

- The wife is to receive as her sole and separate property the real estate at 22915 Sherman Road, Chicago Heights and 102-4 West 15th Street, Chicago Heights. The husband is to pay the mortgage on the Sherman Road property to First National Bank of Dolton.

LAWRENCE H. HAGEN, JR.

- A Choice Point report shows Lawrence H. Hagen, Jr., DOB: 06/23/57, SS#333-58-4222, with an address of 7221 Harrison Avenue, Hammond, IN 46324 as recent as June 2002. Larry H. Hagen, Jr. has a non-published telephone listing in Hammond, IN according to directory assistance. He has used numerous other addresses in recent years.

- Lawrence H. Hagen, Jr, SS#333-58-4222, 356 Waverly, Park Forest, IL 60466 [single family residence], filed for Chapter 7 bankruptcy in the U.S. District Court for the Northern District of Illinois on April 27, 1995, listing an income of \$1,800.00 monthly, liabilities of \$20,300.00 and assets of \$4,450.00. The case was discharged on August 10, 1995. I will be reviewing this file on July 19, 2002 at the National Archives and Records Administration.
- Research of Lake County Circuit Court records found the following for Lawrence Hagen, Jr.:
 - Case no. 45D09-0104-IF-02729, Lawrence H. Hagen, Jr., 7221 Harrison, Hammond, IN 46320, was issued a ticket for a seat belt violation by the Munster, Indiana Police on April 6, 2001 while driving a 1988 Oldsmobile 88 with IN/96K2477.
 - Case no. 45D07-9905-CM-06007, 07589; DF-6513, IF-6600, Lawrence H. Hagen, Jr. was charged on February 25, 1999, with leaving the scene of an accident and driving on a suspended license, while driving a Ford Taurus with IL/JBR575.
 - Case nos. 45G02-9907-CF-00129, Lawrence H. Hagen, Jr. was charged on May 31, 1999, with possession of cocaine, driving on a suspended license, and possession of an unregistered handgun while driving a 1987 Ford van, with IN/96KZ147, registered to Sonia C. Ingle (DOB: 12/10/71, SS#159-56-1662) who was also with him in the vehicle.
 - On or about July 21, 1999, he appeared to plead guilty to possession of cocaine and received one year in the Lake County Jail, a \$500.00 fine, and one year probation. Charges of leaving the scene of an accident and driving with a suspended license were dismissed. His driving privileges appear to have been reinstated by the State of Indiana.
 - A Probation Office report, dated July 10, 1999, showed him with an address of 7349 Harrison, Hammond, Indiana 46327, a telephone number of (219) 937-2406, and an employer of Wiggles Gentlemens Club, 3020 E. Dunes Highway, Gary, Indiana. He appeared to be discharged satisfactorily from probation on August 22, 2000. He had an attorney by the name of Douglas G. Amber, 9250 Columbia Avenue, Suite E-2; Munster, Indiana 46321, (219) 836-8530.
- Lawrence H. Hagen, Jr, 26636 S. 80th Avenue, Monee, IL 60449 was the debtor in the amount of \$1,000.00 in Will County case no. 94LM12805. The creditor was Marjorie Flint.
- Lawrence H. Hagen, Jr. sold property at 21605 Clyde Street, Sauk Village, IL 60411 on July 17, 1991 to George L. Schmal, Jr. and Beverly Walsh.
- Lawrence N. Hagen, 356 Waverly Street, Park Forest, IL 60466 was the registered owner of a 1992 Ford Taurus, IL/JBR575, expiring on February 28, 1999.
- Lawrence Hagen, 14351, Irving Avenue, Dolton, IL 60419 (apt. bldg.) is the registered owner of a 1986 Eagle outboard 20' boat, IL/8500Gr, expiring 2001.


Reginald Arkell, Civil Investigator
 U.S. EPA
 OCEFT, LCRMD
 77 W. Jackson Blvd. (CI14J)
 Chicago, IL 60604
 phone: (312) 886-7161
 fax: (312) 886-0747

Randa Bishlawi

To: Debbie Regel/R5/USEPA/US@EPA

cc:

08/22/2002 02:55 PM

Subject: Re: Response to Gary Development Landfill Performance Review;
DCN 613-SAI-R5-Title-Search-01-02465 

I certainly concur with your conclusion. That information should have been in there as well as why they only looked at two parcels.

Debbie Regel

08/22/2002 02:21 PM



To: WILLIAM MESSENGER/R5/USEPA/US
cc: Gail Nabasny/R5/USEPA/US@EPA, Ruth
Miles/R5/USEPA/US@EPA

Subject: Re: Response to Gary Development Landfill Performance Review;
DCN 613-SAI-R5-Title-Search-01-02465

Ruth and I talked about this, and compared our conversation records. I think that what might have happened is that after I got the title search, I sent messages to Ruth because she is the WAM. I didn't think it was appropriate for me to tell SAIC to re-do the title search. Ruth had been on vacation and I think she thought I had worked it out with SAIC.

The bottom line is, in my mind, that SAIC did a less than satisfactory job on this title search, and that is why I rated them lower.

WILLIAM MESSENGER

**WILLIAM
MESSENGER**

08/22/2002 02:12
PM

To: Debbie Regel/R5/USEPA/US@EPA, Ruth
Miles/R5/USEPA/US@EPA
cc: Gail Nabasny/R5/USEPA/US@EPA
Subject: Response to Gary Development Landfill Performance Review; DCN
613-SAI-R5-Title-Search-01-02465

I'm concerned about the line about them calling EPA and not receiving a call or e-mail back.

I'm sure there's a story here.

----- Forwarded by WILLIAM MESSENGER/R5/USEPA/US on 08/22/02 02:12 PM -----



"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

08/22/02 01:47 PM

To: Ruth Miles/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
cc: Gail Nabasny/R5/USEPA/US@EPA, WILLIAM
MESSENGER/R5/USEPA/US@EPA, Karen
Hartis/R6/USEPA/US@EPA, "Richardson, Sandra I."
<RichardsonS@cp-its-exs01.mail.saic.com>, "Frazier, Michael O."
<frazierm@cp-its-exs01.mail.saic.com>
Subject: Response to Gary Development Landfill Performance Review; DCN
613-SAI-R5-Title-Search-01-02465

Debbie Regel

08/22/2002 02:18 PM



To: "Habert, Sara C." <SARA.C.HABERT@saic.com>

cc: frazierm@cp-its-exs01.mail.saic.com, Gail Nabasny/R5/USEPA/US@EPA, Karen Hartis/R6/USEPA/US@EPA, RichardsonS@cp-its-exs01.mail.saic.com, Ruth Miles/R5/USEPA/US@EPA, WILLIAM MESSENGER/R5/USEPA/US@EPA, Randa Bishlawi/R5/USEPA/US@EPA

Subject: Re: Response to Gary Development Landfill Performance Review; DCN 613-SAI-R5-Title-Search-01-02465

I would also like to add some information to this message.

The e-mail from SAIC dated 4/11/02 from Sara to me, which summarized our phone conversation on 4/10/02, stated at the end: **"This is only the initial information collected by SAIC. A full report will be provided when we receive the title documents."** In our conversation on 4/10/02, Sara had informed me that the property was offered twice previously in a tax sale, and was up for sale again. Sara told me that SAIC was trying to contact the company overseeing the tax sale for more information, and that it would be a few more weeks before the title search was completed.

When I received the title search report in May 2002, I was surprised to find no mention that SAIC had discovered the property had been up twice before in a tax sale. I also had assumed that the report would have either provided more recent information regarding the most current tax sale: either a summary of SAIC's attempts to gather further information, or the actual outcome and/or documents provided in the report. At that point I contact Ruth Miles to ask if tax sale information would be routinely provided as part of a regular title search.

Irregardless of whether there was any miscommunication between EPA and SAIC after the 4/11/02 e-mail, I still believe that the tax sale information should have been included in the title search report.

"Habert, Sara C." <SARA.C.HABERT@saic.com>



"Habert, Sara C."
<SARA.C.HABERT@saic.com>

08/22/2002 01:47 PM

To: Ruth Miles/R5/USEPA/US@EPA, Debbie Regel/R5/USEPA/US@EPA

cc: Gail Nabasny/R5/USEPA/US@EPA, WILLIAM MESSENGER/R5/USEPA/US@EPA, Karen Hartis/R6/USEPA/US@EPA, "Richardson, Sandra I." <RichardsonS@cp-its-exs01.mail.saic.com>, "Frazier, Michael O." <frazierm@cp-its-exs01.mail.saic.com>

Subject: Response to Gary Development Landfill Performance Review; DCN 613-SAI-R5-Title-Search-01-02465

Hi, Debbie and Ruth.

This is to summarize the conversation that I had with Debbie yesterday regarding the Gary Development Landfill Title Search Report. The issue of concern is that SAIC did not provide a revised report to include tax sale information for the site property after it was requested that they do so by EPA. It was determined that an EPA miscommunication resulted in SAIC not receiving a request to provide the revised report. Following is a summary of the events and activities related to this title search.

SAIC received a workorder for the Gary Development Landfill site on April 2, 2002. During the course of its title investigation, SAIC obtained information that the property was ordered to put up for sale by the Lake County Board of Commissioners due to failure of the owner, Gary Development Company, to pay property taxes. The property was offered for tax sale twice, but did not sell. SAIC summarized this preliminary information in an email to Debbie Regel on April 11, 2002.

On May 3, 2002, SAIC submitted a Title Search Report for the Gary Development Landfill site to EPA. On May 15, 2002, SAIC received an email from Ruth Miles forwarding an email from Debbie Regel regarding whether tax sale information should be included in title search reports.

On May 17, 2002, SAIC replied to Ruth Miles and Debbie Regel suggesting that SAIC summarize the information collected from the Lake County Tax Assessor into a Record of Conversation and submit a revised title search report to include the tax sale information. After sending this email, SAIC attempted several times to contact EPA via telephone to determine if a revised report was required. No response was received either via email or telephonically and SAIC assumed that no further work was required.

In mid-August 2002, SAIC received a Performance Evaluation form for the Gary Development Landfill site in which a rating of 2 - overall compliance requires minor Agency resources to ensure achievement of Task Order requirements - was given for the Quality of Product or Service category, and 2 - delays require minor agency resources to ensure achievement of Task Order requirements - was given for the Timeliness of Performance category.

SAIC contacted Ruth Miles on August 16, 2002, and Debbie Regel on August 21, 2002, to discuss this evaluation. It was determined by both Ruth and Debbie that an internal EPA miscommunication resulted in SAIC not receiving instruction to proceed with the revised title search.

Sara C. Habert
Senior Paralegal/Research Assistant
Phone: (312) 762-2969
Fax: (312) 236-3947
www.saic.com

Debbie Regel

08/21/2002 11:02
AM

To: Gail Nabasny/R5/USEPA/US@EPA, Ruth
Miles/R5/USEPA/US@EPA, WILLIAM
MESSENGER/R5/USEPA/US@EPA

cc:

Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

I just spoke to Sara Habert at SAIC about the recent title search evaluation I gave to Ruth. Sara sounded a bit unhappy about the evaluation. Can I meet with you guys at some point? I have a question about how I handled a request I had made of SAIC. I think the Enforcement Specialists are doing things differently from one another. Perhaps I did something wrong, or perhaps not....
----- Forwarded by Debbie Regel/R5/USEPA/US on 08/21/2002 11:01 AM -----



"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

04/11/2002 08:50
AM

To: Debbie Regel/R5/USEPA/US@EPA

cc:

Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

Hi, Debbie. As a follow up to our telephone conversation yesterday, this is a summary of our preliminary findings relating to ownership of the Gary Development Landfill parcel for which you requested title information.

Gary Development Corporation is the current owner of record with the Lake County Indiana Tax Assessor. GDC is currently in default on their taxes. Sometime in 2001, the Lake County Board of Commissioners ordered that the property be sold in a tax sale. The property was offered for sale in September 2001 and again in March 2002, but was not sold. It is currently up for sale again. The company that oversees the county tax sales is SRI Co. (219) 662-0079. When SAIC attempted to call SRI, there was no answer. We will try again today to see if they can provide further information on the status of this property.

This is only the initial information collected by SAIC. A full report will be provided when we receive the title documents. If you have any questions or comments, please feel free to contact me.

Thanks.

Sara C. Habert
Senior Paralegal/Research Assistant
Phone: (312) 762-2969
Fax: (312) 236-3947
www.saic.com

~~Sarah~~ Sara: 312-762-2969

8/21/02

I don't think the reply messages I sent to miles, as the wau, were ever forwarded to SAIC. Sara says she just works directly with the other Enf. Specs. after the initial request - unless it is a dispute or something larger.

I believed the wau had to make the requests for anything different / additional.



Debbie Regel

06/14/2002 02:02
PM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill

Since Ruth is the WAM for the contractor, I have not yet spoken directly with SAIC about an amended title report. Since I haven't heard anything, I think Ruth thought I had taken care of this request myself.

So - do we still need SAIC to amend the title report to include a conversation record with the county offices regarding the tax sale? And do we still need clarification about why 2 parcels were searched? (My hunch is that because SAIC was given a street address, the street address is comprised of the 2 parcels searched. The title search would not be able to show which parcels buildings were on.)

Please let me know. Otherwise, I'll figure the title search works for now.

----- Forwarded by Debbie Regel/R5/USEPA/US on 06/14/2002 01:59 PM -----

Ruth Miles

06/04/2002 12:19 PM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: RE: Gary Development Landfill

You've probably had this taken care of, but sure they can.
Debbie Regel



Debbie Regel

05/21/02 09:25 AM

To: Ruth Miles/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Gail
Nabasny/R5/USEPA/US@EPA, Randa
Bishlawi/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill

Ruth, since the title search was ordered for the street address only, and not for the entire landfill (because the removal is limited to the buildings on-site), could SAIC also clarify in its amended title report why 2 parcels were included in the title search?

Randa Bishlawi

Randa Bishlawi


05/20/2002 03:53 PM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA, Gail
Nabasny/R5/USEPA/US@EPA, Ruth Miles/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill

I agree with Debbie's comments. I also agree no meeting is necessary - getting a revised title report with a record of the conversations would be sufficient. I still don't know why Parcel 2 was addressed in the title report. Does someone think some of the buildings are on parcel 2?

Debbie Regel

05/23/2002 09:30 AM

To: Anita Boseman/R5/USEPA/US@EPA
cc: Randa Bishlawi/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill 

Why don't we wait until the sample results are in for the lagoon. If the lagoon will be a removal action, then I can get information regarding who the owner of the lagoon is at that point.

Do you need title search stuff on the lagoon earlier for something different? Just let me know.
Anita Boseman

Anita Boseman

05/22/2002 12:50 PM

To: Debbie Regel/R5/USEPA/US@EPA
cc: Gail Nabasny/R5/USEPA/US@EPA, Randa
Bishlawi/R5/USEPA/US@EPA, Ruth Miles/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill 




However, it's the lagoon part of Gary Development Landfill or is it. Anyway, I will still need information regarding the lagoon. So, how do you propose I get this information?

Let me know.

Debbie Regel

05/22/2002 09:24 AM

To: Randa Bishlawi/R5/USEPA/US@EPA
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: Re: Gary Development, Letter to County Assessor 

Excellent letter! It looks really good. Sorry - I don't have a contact for SRI - I don't think SAIC (title search contractor) ever actually talked to anyone, and if they did, they never told me the person's name. To save time, I'd go ahead and send this letter without a contact name for SRI.

Also, as I have read messages and have been thinking about the lagoon, how does this sound - we already agreed that we would treat the removal at the buildings separately from the lagoon (right?). The buildings can be RV1 and the lagoon can be RV2 (event codes for CERCLIS) since we don't know about the lagoon yet. If the site assessment shows something needs doing for the lagoon, I can always give SAIC a map showing where the lagoon is, and they can search for property ownership that way. The lagoon might even be on our 2 parcels searched for all we know. I say let's not worry about the lagoon for now. This part is complicated enough!
Randa Bishlawi

Randa Bishlawi

05/21/2002 02:56
PM

To: Anita Boseman/R5/USEPA/US@EPA, Debbie
Regel/R5/USEPA/US@EPA
cc: Deborah Garber/R5/USEPA/US@EPA
Subject: Gary Development, Letter to County Assessor

Hi you two. Attached is a draft letter to the County assessor regarding our removal action. Please give me your comments and Anita, if you'd like to sign the letter, let me know. As you can tell from the uncertainty in the letter, it is essential that we confirm which parcels we are incurring response costs on. So we need to sort out the lagoon and buildings location in relation to the legal description.

I called the assessors office myself and found out that both parcels are up for sale. So I'd like to get this letter out asap. I talked to Tom K. and he said Lake County has in the past sold contaminated lots to unsuspecting buyers in these tax sales.

I think we'll probably want to put a lien at least on parcel 1 (if that's where we're incurring costs), primarily to put parties on notice of contamination. I doubt we'll recover any costs that way but it does put world on notice.



lakecountytreas.ltr.w

Debbie Regel

05/22/2002 09:12 AM

To: Anita Boseman/R5/USEPA/US

cc: Gail Nabsny/R5/USEPA/US@EPA, Randa

Bishlawi/R5/USEPA/US@EPA, Ruth Miles/R5/USEPA/US@EPA

Subject: RE: Gary Development Landfill 

Anita - this may be outside the scope of this particular title search in that the lagoon might not even be on either of the parcels reported to us. I had asked SAIC up front for any maps available in the County offices that would show where water was, but only the plat maps were provided which do not show the lagoon or any other water. If the lagoon is to be addressed as a second removal action, I think we will have to get information about it as a separate issue. I'm not sure the title search contractor would be able to locate the lagoon anyway.

Anita Boseman

Anita Boseman

05/21/2002 10:28 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Gail Nabsny/R5/USEPA/US@EPA, Randa

Bishlawi/R5/USEPA/US@EPA, Ruth Miles/R5/USEPA/US@EPA

Subject: RE: Gary Development Landfill 

Good morning,

Also, please identify the location of the lagoon to the present day.

Debbie Regel

Debbie Regel


05/21/02 09:25 AM

To: Ruth Miles/R5/USEPA/US@EPA

cc: Anita Boseman/R5/USEPA/US@EPA, Gail

Nabsny/R5/USEPA/US@EPA, Randa

Bishlawi/R5/USEPA/US@EPA

Subject: RE: Gary Development Landfill 

Ruth, since the title search was ordered for the street address only, and not for the entire landfill (because the removal is limited to the buildings on-site), could SAIC also clarify in its amended title report why 2 parcels were included in the title search?

Randa Bishlawi

Randa Bishlawi

05/20/2002 03:53 PM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Anita Boseman/R5/USEPA/US@EPA, Gail

Nabsny/R5/USEPA/US@EPA, Ruth Miles/R5/USEPA/US@EPA

Subject: RE: Gary Development Landfill 

I agree with Debbie's comments. I also agree no meeting is necessary - getting a revised title report with a record of the conversations would be sufficient. I still don't know why Parcel 2 was addressed in the title report. Does someone think some of the buildings are on parcel 2?

**WILLIAM
MESSENGER**

05/21/2002 09:39
AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: RE: Gary Development Landfill

Please stop by when you are in and talk about what is going on here.

thanks.

----- Forwarded by WILLIAM MESSENGER/R5/USEPA/US on 05/21/02 09:39 AM -----

Gail Nabasny

05/21/02 09:29 AM

To: WILLIAM MESSENGER/R5/USEPA/US@EPA
cc:
Subject: RE: Gary Development Landfill

Do you know what this is about? g

----- Forwarded by Gail Nabasny/R5/USEPA/US on 05/21/02 09:29 AM -----



"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

05/17/02 08:34 AM

To: Gail Nabasny/R5/USEPA/US@EPA, Ruth
Miles/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Randa
Bishlawi/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA, "Richardson, Sandra I."
<RichardsonS@cp-its-exs01.mail.saic.com>, "Mead, Lisa H."
<meadl@cp-its-exs01.mail.saic.com>, "Frazier, Michael O."
<frazierm@cp-its-exs01.mail.saic.com>, "Haddock, Reed H."
<HaddockR@cp-its-exs01.mail.saic.com>
Subject: RE: Gary Development Landfill



Debbie Regel

05/20/2002 02:55
PM

To: Ruth Miles/R5/USEPA/US, Gail Nabasny/R5/USEPA/US
cc: Randa Bishlawi/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA
Subject: RE: Gary Development Landfill

See my comments below, in red.

----- Forwarded by Debbie Regel/R5/USEPA/US on 05/20/2002 02:45 PM -----



"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

05/17/2002 08:34
AM

To: Gail Nabasny/R5/USEPA/US@EPA, Ruth
Miles/R5/USEPA/US@EPA
cc: Debbie Regel/R5/USEPA/US@EPA, Randa
Bishlawi/R5/USEPA/US@EPA, Anita
Boseman/R5/USEPA/US@EPA, "Richardson, Sandra I."
<RichardsonS@cp-its-exs01.mail.saic.com>, "Mead, Lisa H."
<meadl@cp-its-exs01.mail.saic.com>, "Frazier, Michael O."
<frazierm@cp-its-exs01.mail.saic.com>, "Haddock, Reed H."
<HaddockR@cp-its-exs01.mail.saic.com>
Subject: RE: Gary Development Landfill

Hi, Ruth and Gail.

This is in response to the email that Ruth forwarded to me yesterday concerning the Gary Development Landfill title search. It appears that there are two issues raised by Debbie Regel and Randa Bishlawi. They are:

EPA COMMENT/ISSUE NO. 1 - Adequate notification of a possible tax sale of the Gary Development Landfill property.

SAIC RESPONSE AND PROPOSED SOLUTION:

On April 10, 2002, after contacting the Lake County Tax Assessor and discussing the subject property, I provided a preliminary verbal summary of current property ownership information to Debbie Regel. I followed up with an email summary of the information on April 11, 2002. Included in the summary was information that the County had unsuccessfully attempted twice to sell the property in a tax sale. **It is true that SAIC sent me an email on 4/11/02; however, the end of the email it is stated that "This is only the initial information collected by SAIC. A full report will be provided when we receive the title documents." I presumed the full report regarding the tax sale would have been included in the title search. OR if SAIC wasn't able to gather additional information, that at least its attempts would have been documented in the Current Site Ownership Information section.**

In order to ensure adequate notification to EPA of any future developments, from this point forward, SAIC proposes including in the title search report a brief record of conversation (ROC) summarizing discussions with an agency clerk or official regarding property ownership. This ROC will include agency contact information and will be included in any Site report, even if SAIC has previously informed EPA of this conversation via email or memo. **I agree that this is a very good idea for all future title searches.**

At EPA's request, for the Gary Development Landfill Report, SAIC can complete an ROC documenting its conversations with the Tax Assessor's office and include this ROC in a revised version of the report. **That would be great - and as Randa requested, names of who they spoke to (and phone numbers) would be very helpful for our follow-up.**

EPA COMMENT/ISSUE NO. 2 - Is notification of a future tax sale within the scope of work of the title search Work Assignment?

SAIC RESPONSE AND PROPOSED SOLUTION:

Although the rules vary from state to state and county to county, it is SAIC's experience that many, if not all, properties abandoned by the owner and seized by a state or local tax agency may be sold in the very near future. This may be the case through a formal sale, or by an interested party merely paying the back taxes to the state. It is our understanding that it is implied that such properties may soon be sold to a third party, which is one of the reasons we are tasked with quickly determining the current owner of a parcel. However, we certainly understand EPA's need to know of any immediately pending sales..

I believe it is within the scope of work to include an ROC in a title report of any information we happen to retrieve during the course of our search indicating an immediate sale. I also believe we could attempt to contact the assessor, and specifically ask them if they know of any pending tax sale within the next 6 months, or some other time frame, and document this in a brief ROC to be included in the report. This would seem to fit within the scope of obtaining existing "Tax Assessor Information." However, it is important to note that variations in county procedures may result in the clerk at the assessors not knowing of a pending sale and the property could be sold the next day. Therefore, we want to advise EPA that this type of

information's value may be limited. Asking this question and drafting an ROC would likely take less than an hour. Although these budgets are bid very competitively, under most circumstances we should be able to do this within a budget.

What would appear to be outside the scope of work is doing additional research to determine the likely tax sale date for a parcel, or providing EPA with a particular county's procedures for re-sale. This is really providing information on future title issues, and is not necessarily specific to the title history of a specific site property. I know we did not include such work in our cost estimates.

These are just a few of the options. I suggest SAIC have a brief meeting to discuss what EPA would like us to do. As you know, Sandy Richardson is the Program Manager for the Contract, and I would like her to be included in any discussion of these options. She is currently out of town, but I will inform her of the issue so that we can arrange a meeting. I wanted to get back to you with a response as soon as possible. **I don't think we need to have a meeting - ESPECIALLY if SAIC is just going to charge us for the time. I think the ROC is a good idea. SAIC just needs to let us know the things they find out during the course of the title search research. I don't think we expect them to be able to predict the future, or dig into all the "what ifs". I'll leave the rest up to you guys! But an amended title search for this Site would be good, if SAIC can provide that.**

Please let me know when it would be convenient to arrange a conference call to discuss the above. Thanks.

Sara Habert
Work Assignment Manager, Title Search Task Order

-----Original Message-----

From: Miles.Ruth@epamail.epa.gov [mailto:Miles.Ruth@epamail.epa.gov]
Sent: Wednesday, May 15, 2002 4:19 PM
To: Haberts@saic.com
Subject: Re: Gary Development Landfill

Can you please let me know if this is outside our scope?

----- Forwarded by Ruth Miles/R5/USEPA/US on 05/15/02 04:17 PM -----

Debbie Regel

Miles/R5/USEPA/US@EPA

05/15/02 03:18

PM

Anita

Landfill

To: Ruth

cc: Randa

Bishlawi/R5/USEPA/US@EPA,

Boseman/R5/USEPA/US@EPA

Subject: Re: Gary Development

I know today is your last day in the office for a while - this will hold until you get back.

For the Gary Development Landfill title search dated May 2002:
SAIC had called me in April to say that while they were working on the

title search, they were told by the tax assessor's office that the property was up for a tax sale once, and was up soon for another try. This is important to us because of the existing contamination on the property, but also because there might be more contamination out there than any of us are aware of. We think that whoever is trying to sell or buy the property ought to know about it.

When I got the title search, the only mention of an attempted tax sale is way in the back of the report on two of the attachments.

I did originally request "tax information" be provided, which was provided in the report (back taxes owed, amounts, etc.). Is tax SALE information outside the normal Scope of Work for a title search? (Please see ORC's memo, below.)

Thanks!

----- Forwarded by Debbie Regel/R5/USEPA/US on 05/15/2002 03:09 PM -----

Debbie Regel

Bishlawi/R5/USEPA/US@EPA

05/15/2002 03:09

Boseman/R5/USEPA/US@EPA

PM

Landfill

To: Randa

cc: Anita

Subject: Re: Gary Development

(Document link: Debbie Regel)

From my notes after a conversation with the contractor on 4/10, I wrote that the contractor had said that there are a total of 5 parcels that comprise the landfill, and that 479 was only one of the five parcels. I'm not sure why the contractor then provided 2 parcels in the search. I'm sure I wouldn't have asked for title search work on all 5, since we were only interested in the building. That aside, I will have to contact the WAM for the title search contract as I cannot request this directly from the contractor. It might be that extra tax sale information was out of the contractor's Scope of Work. I did originally ask for "tax information" which was provided in the search.

The WAM for this contract will be on annual leave for a week or two. But I will send her a message and keep you posted on what I hear.

Randa Bishlawi

Regel/R5/USEPA/US@EPA,

05/15/2002 02:23

PM

Garber/R5/USEPA/US@EPA

Landfill

To: Debbie

Anita Boseman/R5/USEPA/US@EPA

cc: Deborah

Subject: Gary Development

Debbie, could you please call the contractor that prepared the title search and find out what we can about the potential tax sale. For instance, who told the contractor there was a sale pending and for which parcel #? I would like to address our letter to the County to the correct individual who the contractor dealt with in preparing the title report.

Thinking more about it, I think that a pending offer for sale is a critical piece of information that affects title and should have been included in the title report ,even if EPA did not specifically request such information. I'm surprised that such information would not be automatically included. If you'd like to include me in the call, conference me in.



Debbie Regel

04/26/2002 09:50 AM

To: Randa Bishlawi/R5/USEPA/US@EPA

cc:

Subject: Re: GDLF

I'm not sure if this would have made a difference or not, but it is spelled "Cline". Anyway, we'll know more next week.

Randa Bishlawi

Randa Bishlawi

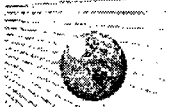
04/26/2002 08:32 AM

To: Debbie Regel/R5/USEPA/US@EPA

cc: Anita Boseman/R5/USEPA/US@EPA

Subject: Re: GDLF

Well, that's odd. Before I got your message, I had contacted the Calumet Township tax assessor's office but was told they couldn't find a 497 N. Kline, Gary. Then when I heard your message, I called them back with the "right" address and they also couldn't find 479 N. Kline - no such address I'm told. Guess we'll just wait and see what the title report comes back with in terms of info.



Debbie Regel

04/25/2002 10:51
AM

To: Randa Bishlawi/R5/USEPA/US
cc: Anita Boseman/R5/USEPA/US@EPA
Subject: GDLF

I talked to the title search contractor just now. She never was able to get in touch with the company dealing with the tax sale of the property. The contractor was given the name and number of this business by the Tax Assessor's Office:

SRI, Inc.
219-662-0079

I found their address listed as 1924 North Main Street, Crown Point, IN, 46307

Hope that helps.



"Habert, Sara C."
<SARA.C.HABERT@s
aic.com>

04/11/2002 08:50
AM

To: Debbie Regel/R5/USEPA/US@EPA
cc:
Subject: Preliminary Ownership Info for Gary Dev. Landfill - DCN
613-SAI-R5-Title-Search-02-02028

Hi, Debbie. As a follow up to our telephone conversation yesterday, this is a summary of our preliminary findings relating to ownership of the Gary Development Landfill parcel for which you requested title information.

Gary Development Corporation is the current owner of record with the Lake County Indiana Tax Assessor. GDC is currently in default on their taxes. Sometime in 2001, the Lake County Board of Commissioners ordered that the property be sold in a tax sale. The property was offered for sale in September 2001 and again in March 2002, but was not sold. It is currently up for sale again. The company that oversees the county tax sales is SRI Co. (219) 662-0079. When SAIC attempted to call SRI, there was no answer. We will try again today to see if they can provide further information on the status of this property.

This is only the initial information collected by SAIC. A full report will be provided when we receive the title documents. If you have any questions or comments, please feel free to contact me.

Thanks.

Sara C. Habert
Senior Paralegal/Research Assistant
Phone: (312) 762-2969
Fax: (312) 236-3947
www.saic.com

Debbie Regel

08/14/2002 11:06 AM

To: Reginald Arkell/R5/USEPA/US

CC:

Subject: Re: Gary Development File Review 

I'm sorry I didn't answer your message sooner. I am way behind on GDLF work.

You probably already found this out, but the site ID # is B52L.

I'm glad I missed the file review :)

Reginald Arkell

Reginald Arkell

07/23/2002 03:37 PM

To: Debbie Regel/R5/USEPA/US@EPA

CC:

Subject: Re: Gary Development File Review 

Hi Debbie. You wouldn't happen to have the site/project number for this case for timesheet accounting would you? Thanks. Let me know if you want in on our IDEM file review. We're talking an estimated 15-20 reams of paper. I know it's tempting! Reg

From: RETT NELSON (RNELSON)
To: SMASON, JTIELSCH, NZUSMAN, CLARIZIO, SPROUT,
BRANIGAN,...
Date: Tuesday, December 10, 1991 3:50 pm
Subject: N.W Indiana/ GEI Superfund Contact

Lynn is soliciting expressions of interest from SWERB attorneys who want to some "multi-media" experience. You must respond by TODAY to be considered. The late notice is not our fault. Please respond to her directly.

The Geographic Enforcement Initiative Task Force would like to see an attorney experienced in Superfund provide needed legal oversight/assistance regarding: 1) developing and pursuing CERCLA enforcement actions on the Grand Calumet and Indiana Harbor Ship Canal at non-NPL sites; and 2) re-scoring 60 sites in Northwest Indiana for possible inclusion on the NPL.

Go for it!

Randa Bishlawi


08/16/2002 11:49 AM

To: Linda Nachowicz/R5/USEPA/US@EPA

cc: Deborah Garber/R5/USEPA/US@EPA, Debbie

Regel/R5/USEPA/US@EPA, Anita Boseman/R5/USEPA/US@EPA,

Reginald Arkell/R5/USEPA/US@EPA

Subject: Re: Gary Development Landfill Draft Action Memo 

Linda,

I've made a few final (hopefully) changes to action memo. The last 2 issues-

(1) it would seem the EJ analysis needs to be revised. Action memo says we have 88% minority but it's not EJ site.

(2) the AR index needs to include the site assessment as Anita pointed out in an earlier e-mail.

I've also finalized the enf. addendum; see attached. Debbie Regel is out til Wed next week so I went ahead and made my final changes.



GDLF am.2w GDLF Enforcement Confidential

Although I have proceeded to sign off on it, I would like to have a clean final version for my supervisor to sign off on. I will bring you down the hard copy of the package to put on your desk. Thanks. I will be in rest of day today and Monday.

ENFORCEMENT CONFIDENTIAL ADDENDUM
GARY DEVELOPMENT COMPANY-DEV CO INC- SITE
(a.k.a. GARY DEVELOPMENT LANDFILL SITE)
GARY, LAKE COUNTY, INDIANA
August, 2002
ENFORCEMENT SENSITIVE/NOT SUBJECT TO DISCOVERY

In 1968, Rock Road Construction Company, a closely held company, purchased a gravel/sand pit consisting of 55-acres (five parcels) in Gary, Indiana for use as a landfill. Gary Development Company, Inc. ("Gary Development") was incorporated in July 1969 and had many of the same officers as Rock Road Construction Company. Gary Development began operating the landfill in September 1974. Rock Road Construction Company transferred title to the landfill property. In 1968, the predecessor company to Gary Development on January 30, 1981, had purchased a gravel/sand pit consisting of 55-acres (five parcels) for use as a landfill. The landfill began accepting waste in September 1974. On May 30, 1986, U.S. EPA issued a Resource Conservation and Recovery Act ("RCRA") 3008 Order alleging that Gary Development had accepted hazardous wastes and had neither achieved interim status under RCRA, nor obtained a RCRA permit. The Order required proper closure of the landfill, and that Gary Development pay a penalty. Gary Development appealed the Order and after settlement negotiations, entered into a Consent Decree with U.S. EPA on July 30, 1997, which required Gary Development pay a civil penalty of \$86,000, and create a trust fund with its remaining assets in the amount of \$40,000 for proper closure and post-closure care of the landfill. The total cost of RCRA closure/post closure in 1997 was estimated at 12 million dollars. TheIn 1997 Gary Development went bankrupt, and the landfill never underwent proper RCRA closure. On April 7, 1998, Gary Development voluntarily dissolved. Rock Road Construction Company was voluntarily dissolved in 1999 and became inactive.

In 1992, the landfill was scored for possible inclusion on the National Priorities List, but the score was not high enough. TheIn fact, it was later determined that the scorer had assumed the proper closure of the landfill. The landfill was determined to be a "No Further Remedial Action Planned" Site. The Site has not been re-scored since the landfill was abandoned without proper closure. On August 13, 1997, the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division deferred the landfill to the Comprehensive Environmental Response, Compensation, and Liability Act program for assessment.

The Indiana Department of Environmental Management ("IDEM") continued to inspect the landfill from time to time, and noted reported leachate draining from the property into the Calumet River. In January 2002, after U.S. EPA responded to leaking oil in two drums abandoned outside one of the Gary Development buildings, IDEM requested that U.S. EPA assess other wastes that had been abandoned in and around the Gary Development buildings. IDEM estimated that the dumping of hazardous wastes had occurred at some point during the past year. This time-critical removal action only addresses the two parcels of the larger landfill on which stand the former Gary Development buildings. It appears that most if not all of the containers and tanks containing the hazardous substances being addressed in this time-

~~critical removal action are on Parcel 1.~~

In order to verify current property ownership, a U.S. EPA contractor-prepared Title Search Report was submitted to U.S. EPA in May 2002. Gary Development is the current owner of

Parcel 1, and has owned it since January 1981. Lake County, Indiana currently owns Parcel 2, and has owned it since September 19, 2001. Prior to September, 2001, the State of Indiana owned Parcel 2, and had either directly or indirectly acquired it from Gary Development. Both parcels are in default for property taxes. According to information obtained by the title search contractor, a tax sale of the two parcels was ordered and attempted during September

ENFORCEMENT CONFIDENTIAL ADDENDUM

GARY DEV CO INC SITE (a.k.a. GARY DEVELOPMENT LANDFILL SITE)

GARY, LAKE COUNTY, INDIANA, August, 2002

ENFORCEMENT SENSITIVE/NOT SUBJECT TO DISCOVERY

~~Parcel 1. Lake County, Indiana currently owns Parcel 2, and has owned it since September 19, 2001. Prior to September, 2001, the State of Indiana acquired Parcel 2 as a result of tax delinquency. Parcel 1 is also in default for property taxes. According to information obtained by the title search contractor, a tax sale of the two parcels was ordered and attempted during September~~ 2001 and March 2002.

SRI, Inc., Crown Point, Indiana was attempting to conduct another tax sale as of April 2002. The title search contractor and U.S. EPA were unable to contact SRI for additional information. On May 29, 2002, U.S. EPA wrote a letter to the Lake County officials, Indiana Assessor, with a copy to SRI Auditor, and Treasurer to inform them of U.S. EPA's potential removal action and instructing them to inform prospective purchasers of the possibility of a U.S. EPA removal action. A copy of the final removal action memorandum will also be provided to Lake County, including the Lake County Records office.

At this time, General Notice of Potential Liability letters are being prepared to William Nanini and to Lawrence H. Hagen, Sr. as operators of the Site Gary Development. In addition, 104(e) Request for Information letters will be issued to Mr. Nanini, and Mr. Hagen. U.S. EPA has investigated the liability of these two operators with the assistance of a Region 5 Civil Investigator. William -Nanini signed the RCRA Consent Decree with U.S. EPA in July 1997 as President and Director of Gary Development. The evidence indicates he was personally involved in constructing the landfill without the required leachate collection system, although the level of his day-to-day involvement at the landfill is the subject of further investigation. He was also president of Rock Road Construction Company. Although he, and although is approximately 90 years of age at this time, he appears to be extremely financially viable.-

The evidence indicates that Lawrence H. Hagen Sr. had daily responsibility for running the landfill during the years it accepted hazardous wastes. He appears to be sufficiently viable to conduct this limited removal action. U.S. EPA is also investigating the role of Lawrence Hagen, Jr., who was listed as a Site operator during a RCRA inspection in November 1996. Although he may eventually be determined to be liable, his financial viability is known to be marginal. Should any of the potentially responsible parties ("PRPs") express an interest in conducting the removal action, a 106 Administrative Order by Consent will be drafted for negotiation. If the PRPs refuse to enter into an AOC, U.S. EPA has sufficient evidence to

~~issue a Unilateral Administrative Order to Lawrence H. Hagen Sr.~~

(We should probably issue a UAO if no one steps forward - what do you want to say about it here? We need to say we will, or why we won't. This is such a fast/small removal, it doesn't seem worth the trouble...)

A long list of possible viable generators exists for the larger 55 acre landfill; however, they are not considered PRPs for purposes of this smaller time-critical removal action due to the abandonment of the wastes after the landfill closed, and the fact that the wastes appear to be primarily generated by Gary Development in running their machinery and the landfill. The removal Enforcement Team has met with other U.S. EPA programs to request an additional assessment of the larger landfill under CERCLA.

ENFORCEMENT CONFIDENTIAL ADDENDUM
GARY DEVELOPMENT COMPANY INC. SITE
(a.k.a. GARY DEVELOPMENT LANDFILL SITE)
GARY, LAKE COUNTY, INDIANA

August, 2002

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Parcel 1. Lake County, Indiana currently owns Parcel 2, and has owned it since September 19, 2001. Prior to September, 2001, the State of Indiana acquired Parcel 2 as a result of tax delinquency. Parcel 1 is also in default for property taxes. According to information obtained by the title search contractor, a tax sale of the two parcels was ordered and attempted during September 2001 and March 2002. SRI, Inc., Crown Point, Indiana was attempting to conduct another tax sale as of April 2002. The title search contractor and U.S. EPA were unable to contact SRI for additional information. On May 29, 2002, U.S. EPA wrote a letter to Lake County officials, with a copy to SRI, to inform them of U.S. EPA's potential removal action and instructing them to inform prospective purchasers of the possibility of a U.S. EPA removal action. A copy of the final removal action memorandum will also be provided to Lake County, including the Lake County Records office.

At this time, General Notice of Potential Liability letters are being prepared to William Nanini and to Lawrence H. Hagen, Sr. as operators of the Site. In addition, 104(e) Request for Information letters will be issued to Mr. Nanini, and Mr. Hagen. U.S. EPA has investigated the liability of these two operators with the assistance of a Region 5 Civil Investigator. William Nanini signed the RCRA Consent Decree with U.S. EPA in July 1997 as President and Director of Gary Development. The evidence indicates he was personally involved in constructing the landfill without the required leachate collection system, although the level of his day-to-day involvement at the landfill is the subject of further investigation. He was also president of Rock Road Construction Company. Although he is approximately 90 years of age at this time, he appears to be extremely financially viable.

The evidence indicates that Lawrence H. Hagen Sr. had daily responsibility for running the landfill during the years it accepted hazardous wastes. He appears to be sufficiently viable to conduct this limited removal action. U.S. EPA is also investigating the role of Lawrence Hagen, Jr., who was listed as a Site operator during a RCRA inspection in November 1996. Although he may eventually be determined to be liable, his financial viability is known to be marginal. Should any of the potentially responsible parties ("PRPs") express an interest in conducting the removal action, a 106 Administrative Order by Consent will be drafted for negotiation. If the PRPs refuse to enter into an AOC, U.S. EPA has sufficient evidence to issue a Unilateral Administrative Order to Lawrence H. Hagen Sr.

A long list of possible viable generators exists for the larger 55 acre landfill; however, they are not considered PRPs for purposes of this smaller time-critical removal action due to the abandonment of the wastes after the landfill closed, and the fact that the wastes appear to be primarily generated by Gary Development in running their machinery and the landfill. The removal Enforcement Team has met with other U.S. EPA programs to request an additional

assessment of the larger landfill under CERCLA.

Debbie Regel

08/14/2002 04:05
PM

To: Randa Bishlawi/R5/USEPA/US
cc:
Subject: GDLF Enforcement Addendum

I'm really sorry this took me so long to do. I'm sure it can use some help! I'll be in all day tomorrow if it needs any editing/changes.



GDLF Enforcement Confidenti

ENFORCEMENT CONFIDENTIAL ADDENDUM
GARY DEV CO INC SITE (a.k.a. GARY DEVELOPMENT LANDFILL SITE)
GARY, LAKE COUNTY, INDIANA

August, 2002

ENFORCEMENT SENSITIVE/NOT SUBJECT TO DISCOVERY

Gary Development Company, Inc. ("Gary Development") was incorporated in July 1969. In 1968, the predecessor company to Gary Development, had purchased a gravel/sand pit consisting of 55-acres (five parcels) for use as a landfill. The landfill began accepting waste in September 1974. On May 30, 1986, U.S. EPA issued a Resource Conservation and Recovery Act ("RCRA") 3008 Order alleging that Gary Development had accepted hazardous wastes and had neither achieved interim status under RCRA, nor obtained a RCRA permit. The Order required proper closure of the landfill, and that Gary Development pay a penalty. Gary Development appealed the Order and after settlement negotiations, entered into a Consent Decree with U.S. EPA on July 30, 1997, which required Gary Development pay a civil penalty of \$86,000, and create a trust fund with its remaining assets in the amount of \$40,000 for proper closure and post-closure care of the landfill. The total cost of RCRA closure/post closure in 1997 was estimated at 12 million dollars. In 1997 Gary Development went bankrupt, and the landfill never underwent proper RCRA closure. On April 7, 1998, Gary Development was voluntarily dissolved and became inactive.

In 1992, the landfill was scored for possible inclusion on the National Priorities List, but the score was not high enough. In fact, it was later determined that the scorer had assumed the proper closure of the landfill. The landfill was determined to be a "No Further Remedial Action Planned" Site. On August 13, 1997, the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division deferred the landfill to the Comprehensive Environmental Response, Compensation, and Liability Act program for assessment.

The Indiana Department of Environmental Management ("IDEM") continued to inspect the landfill from time to time, and noted reported leachate draining from the property. In January 2002, after U.S. EPA responded to leaking oil in two drums abandoned outside one of the Gary Development buildings, IDEM requested that U.S. EPA assess other wastes that had been abandoned in and around the Gary Development buildings. IDEM estimated that the dumping of hazardous wastes had occurred at some point during the past year. This time-critical removal action only addresses the two parcels of the larger landfill on which stand the former Gary Development buildings.

In order to verify current property ownership, a U.S. EPA contractor-prepared Title Search Report was submitted to U.S. EPA in May 2002. Gary Development is the current owner of Parcel 1, and has owned it since January 1981. Lake County, Indiana currently owns Parcel 2, and has owned it since September 19, 2001. Prior to September, 2001, the State of Indiana owned Parcel 2, and had either directly or indirectly acquired it from Gary Development. Both parcels are in default for property taxes. According to information obtained by the title search contractor, a tax sale of the two parcels was ordered and attempted during September

ENFORCEMENT CONFIDENTIAL ADDENDUM
 GARY DEV CO INC SITE (a.k.a. GARY DEVELOPMENT LANDFILL SITE)
 GARY, LAKE COUNTY, INDIANA, August, 2002
ENFORCEMENT SENSITIVE/NOT SUBJECT TO DISCOVERY

2001 and March 2002. SRI, Inc., Crown Point, Indiana was attempting to conduct another tax sale as of April 2002. The title search contractor and U.S. EPA were unable to contact SRI for additional information. On May 29, 2002, U.S. EPA wrote a letter to the Lake County, Indiana Assessor, Auditor, and Treasurer to inform them of U.S. EPA's removal action.

At this time, General Notice of Potential Liability letters are being prepared to William Nanini and to Lawrence H. Hagen, Sr. as operators of Gary Development. In addition, 104(e) Request for Information letters will be issued to Mr. Nanini, and Mr. Hagen. U.S. EPA has investigated the liability of these two operators with the assistance of a Region 5 Civil Investigator. William Nanini signed the RCRA Consent Decree with U.S. EPA in July 1997 as President and Director of Gary Development, and although is approximately 90 years of age at this time, appears to be extremely financially viable. U.S. EPA is also investigating the role of Lawrence Hagen, Jr., who was listed as a Site operator during a RCRA inspection in November 1996. Although he may eventually be determined to be liable, his financial viability is known to be marginal. Should any of the potentially responsible parties ("PRPs") express an interest in conducting the removal action, a 106 Administrative Order by Consent will be drafted for negotiation. **(We should probably issue a UAO if no one steps forward - what do you want to say about it here? We need to say we will, or why we won't. This is such a fast/small removal, it doesn't seem worth the trouble...)**

A long list of possible viable generators exists for the larger 55 acre landfill; however, they are not considered PRPs for purposes of this smaller time-critical removal action due to the abandonment of the wastes after the landfill closed, and the fact that the wastes appear to be primarily generated by Gary Development in running their machinery and the landfill. The removal Enforcement Team has met with other U.S. EPA programs to request an additional assessment of the larger landfill under CERCLA.